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SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 10.20 a.m.

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(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (*continued*) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501, 502, 503, 504, 552, 626, 630, 668, 701 and 702; A/C.3/47/L.49)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (*continued*) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, A/47/617, A/47/621, A/47/625, A/47/635-S/24766, A/47/651, A/47/656, A/47/666-S/24809, A/47/676; A/C.3/47/L.48)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA

1. *Mr. MZUMACHARO* (Malawi), speaking in exercise of the right of reply, said that the harsh allegations made against his country by the representative of the United Kingdom, speaking on behalf of the European Community, and by the representative of the United States were exaggerated and, at that point, unnecessary. Faced with false accusations prompted by Malawi dissidents, his Government had embarked on a vigorous and open campaign to reaffirm its commitment to human rights and to redress the human rights situation in the country. Malawi citizens were not subject to extra-judicial detention and had recourse to due process. The security and political stability of the country was not threatened by violence or terrorist activity of any kind. Political opponents were neither repressed nor harassed; indeed, there was ongoing dialogue between opposition leaders and the Government. Recently, the Life President of Malawi had announced a national referendum to allow the people to choose whether they wished to continue with the existing one-party democracy or return to a multiparty system. The United Nations was playing an active role in preparing for the referendum.

2. *Mr. RAHMAN* (Pakistan), speaking in exercise of the first right of reply, said that in his statement on 25 November 1992, the representative of India had made several baseless allegations against Pakistan. India was not only carrying out a genocidal campaign in Kashmir but was also continuing to disseminate the same duplicitous propaganda in the hope that repetition would make its position credible.

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(Mr. Rahman, Pakistan)

3. India had stated that Kashmir was an integral part of India. His delegation strongly disagreed. According to the relevant Security Council resolutions, the final disposition of Jammu and Kashmir would be decided by a free and impartial plebiscite under the auspices of the United Nations. Despite India's endorsement of that solution, the dispute still had not been settled and remained on the Security Council's agenda.

4. Pakistan condemned terrorism in all its forms. In that connection, he wished to draw attention to the conclusions of the Conference of Heads of State or Government of Non-Aligned Countries, which had condemned the use of State power to suppress citizens struggling against foreign occupation and had recognized that their struggle for self-determination did not constitute terrorism.

5. The Kashmiri peoples were unanimous in wanting freedom from Indian rule. Since the line of control was heavily mined and patrolled, Pakistan could not interfere in Indian-held Kashmir even if it wished to do so. The solution was simple: India had only to accept Pakistan's proposal to station impartial observers along the line in order to verify Indian allegations of Pakistani interference.

6. While repeatedly affirming its commitment to democracy, India had never implemented that principle in Jammu and Kashmir. The disputed territory had been placed under President's rule and draconian security laws empowered Indian security forces to arrest Kashmiri citizens and detain them for long periods of time. A 1991 amendment to the criminal code gave government officials immunity from prosecution for any act committed under President's rule.

7. India was carrying out a policy of genocide against the Muslims of Jammu and Kashmir. The Bhartia Janata Party of India had openly declared its wish to "cleanse" Kashmir of its Muslim majority either through expulsion or forcible conversion. In fact, the Muslim population of India was subject to widespread discrimination, destruction of their places of worship and assassinations.

8. Ms. MANIMEKALAI (India), speaking in exercise of first right of reply, said that Jammu and Kashmir was and would continue to be an integral part of India. The problem in Kashmir was the result of State-funded terrorism originating in Pakistan, whose aim was to strike at the roots of India's secular foundations. The human rights of minorities in Kashmir were being violated on a daily basis. Those violations were well-documented by impartial sources. For example, a report from the United States Department of State referred to continuing credible reports in 1991 of official Pakistani support for Kashmiri militant groups engaged in terrorism in Indian-controlled Kashmir.

(Ms. Manimekalai, India)

9. She failed to understand why Pakistan had to speak for minority groups in India, whose forebears had chosen to remain in that country rather than to emigrate to Pakistan. Minority groups in Pakistan itself were hardly free from discrimination.

10. All things considered, India's response to Pakistani provocations had been quite restrained. India did not want regional tensions to escalate. It wished to enter into a dialogue with Pakistan with a view to normalizing and improving bilateral relations. The Simla Agreement, which had been endorsed by both countries and which effectively nullified all previous Security Council resolutions, would provide an excellent framework for such a dialogue.

11. Mr. RAHMAN (Pakistan), speaking in exercise of second right of reply, said that the Indian statement was yet another attempt to hoodwink the Committee through distortion and slander. There was no denying that Indian authorities were violating human rights on a massive scale. Furthermore, it was clear that the future of Kashmir must be decided by its own people.

12. His country was ready to enter into meaningful dialogue with the Indian Government with a view to resolving all outstanding disputes, including that of Jammu and Kashmir, in accordance with the relevant Security Council resolutions and in the spirit of the Simla Agreement. It hoped that India would agree to its reasonable proposals.

13. Ms. MANIMEKALAI (India), speaking in exercise of second right of reply, said that the motives behind Pakistan's charges of human rights violations in Jammu and Kashmir were all too obvious and must be viewed in the context of Pakistan's clear designs on Kashmir.

14. Mr. NEUMANN (Guatemala) said that his Government welcomed the fact that Venezuela had overcome its recent constitutional crisis and wished to offer its full cooperation to Venezuela in its efforts to safeguard democracy.

15. Human rights in Guatemala had to be viewed in the context of the armed conflict through which his country had suffered. It had been determined that 95 per cent of the human rights violations in Guatemala had been an outgrowth of the armed conflict. However, in 1991, the President of Guatemala had introduced a peace initiative with a view to ensuring a comprehensive and lasting peace, built on a foundation of economic and social equality and a viable system of justice.

16. Within the framework of the peace negotiations, his Government had pledged to prevent the formation of more civilian patrols which had been organized earlier to defend the population against the insurgents. It had also appointed a public prosecutor for human rights to ensure that membership in any civilian patrols that might be created remained voluntary. The Government had also set up a national commission for repatriates, refugees and

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(Mr. Neumann, Guatemala)

displaced persons and had established a National Peace Fund to ensure respect for their economic, social and cultural rights. Those efforts had led to a recent agreement to allow the return to Guatemala of more than 40,000 refugees.

17. His Government had set up a presidential commission on human rights to ensure effective implementation of those rights and to coordinate the efforts of the institutions involved in achieving that goal. It had also requested United Nations assistance in structuring a national human rights programme, to be launched in early 1993.

18. His Government had repudiated the principle of impunity and made substantial efforts to bring to justice all those who had violated human rights, regardless of the status of the perpetrators. It was also striving to ensure the safety of Guatemalan citizens by restructuring and reactivating the police force, extending the court system to all municipalities and adopting a new code of penal procedure, under which hearsay evidence was admissible as proof. It had ratified the International Covenant on Civil and Political Rights and was currently considering legislation which would further enhance human rights.

19. Guatemala's Office of the Attorney General had been greatly strengthened. During the past two years, it had tried a number of civil and military officials for violations of human rights. Its budget had been doubled, providing the necessary resources for investigating and bringing to trial those responsible for violations of human rights.

20. His country counted on the understanding and support of the international community to help it create a just and equitable system for its citizens. In that connection, special priority must be given to protecting the rights of indigenous peoples. Indeed, the International Year for the World's Indigenous People could be considered the year of Guatemala, whose population was composed largely of such peoples.

21. His Government was engaged in a number of activities designed to increase the participation of indigenous populations in the planning, execution and assessment of projects and policies affecting them. Noteworthy among those activities was the work of the council of indigenous advisers on a draft declaration on the rights of indigenous peoples; consideration by the Congress of the ILO Convention on indigenous and tribal peoples in independent countries; dissemination of Mayan sacred texts; and exchange of information and experience between indigenous communities, with particular emphasis on recognizing the Mayan approach to health and the environment. Guatemala also took great pride in the award of the Nobel Peace Prize to one of its most valued citizens, Rigoberta Menchu.

22. His Government paid particular attention to the problem of street children and had set up a national programme to deal with it including a

(Mr. Neumann, Guatemala)

special office for minors, which was responsible for coordinating activities in that field, evaluating the situation and developing realistic policies.

23. After 30 years of internal conflict, Guatemala was committed to conducting education programmes in the field of human rights at all levels, including the national police and the army, in order to establish firmly the foundations of its new democracy. The United Nations, the Inter-American Institute of Human Rights and the Guatemalan Attorney-General's Office for Human Rights provided advisory services for that project.

24. In order to improve access by women to employment opportunities, his Government was reorienting training programmes, creating an infrastructure for working women and reviewing national legislation relating to young women in order to eliminate inequality. Guatemala needed the understanding and support of the international community in order to continue building the foundation for true democracy. The United Nations, particularly the Commission on Human Rights, should firmly support his country's efforts to achieve peace and reconciliation in order to ensure full enjoyment of human rights.

25. Miss GOH (Singapore) said that her country was committed to the principles laid down in the Universal Declaration of Human Rights and at the same time firmly believed that rights could not be divorced from the responsibilities and obligations which derived from their social context. Accordingly, those rights must be exercised with strict regard for the family and the community, of which the individual was an integral part. Regrettably, there was a tendency to overemphasize the rights of the individual, without underscoring the equally important responsibilities and duties of the person to the family and society.

26. Experience showed that the unregulated exercise of certain rights could impede the enjoyment of other rights or prevent others in the society from enjoying their rights. In a small, multi-ethnic society, it was often necessary to place limits on the extent to which individual groups could exercise their religious and cultural rights in order to preserve harmony.

27. Singapore had adopted policies that enabled all citizens to enjoy their rights while at the same time respecting the rights of other ethnic and economic groups and attempting to maintain a balance among them. Unfettered capitalism, for example, could lead to gross inequalities in living standards and economic insecurity, which hindered the individual's full enjoyment of social and economic rights. Since political, civil, social and economic rights were interrelated, the enjoyment of one set of rights was often made possible by the enjoyment of the other rights.

28. The ultimate objective must be the preservation and promotion of the dignity of the individual. In that connection, her delegation agreed with the view that economic well-being was an essential right and supported the right

(Miss Goh, Singapore)

to development. The promotion of human rights should also include respect for the different value that societies placed on different human rights. In some Asian societies, for example, the right to a decent standard of living might be more important for the individual than an unimpeded right to self-expression. Consequently, the promotion of human rights should be non-selective, impartial and broad-based and should take into account the social, cultural, religious and traditional practices of the society into which the individual is born.

29. Democracy was the best safeguard against unwarranted infringement of individual rights. She believed that a balance between Western democratic practices and the Eastern emphasis on harmony and cooperation had enhanced enjoyment of individual human rights in a manner consonant with family and community responsibilities, with due regard for the rights of minorities.

30. There was a need for dialogue based on tolerance and a desire for mutual understanding. It was counterproductive to adopt positions of superiority, pointing the accusing finger at less than perfect neighbours. At the same time, Singapore did not condone massive violations of human rights by brutal regimes. The upcoming World Conference on Human Rights would provide an opportunity to assess the extent to which Member States had promoted understanding of human rights and to evaluate the different approaches to their implementation.

31. Archbishop MARTINO (Permanent Observer of the Holy See) said that the Special Rapporteur's report to the forty-eighth session of the Commission on Human Rights had demonstrated the continued interest of the international community in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. In the wake of the vast political changes that had occurred during the last few years in central and eastern Europe, the number of countries with official policies of religious persecution had notably diminished.

32. Not all instances of religious intolerance and persecution originated from people who were radically opposed to any form of religion. It was often in the name of one religion that members of another persuasion were discriminated against. Historically, the banner of religion had been waved to inflame enmities rooted in interests that had little to do with religion itself, such as political power, economic disparities, social tensions and racial intolerance.

33. Through ages, people had been willing to sacrifice everything, including their lives, in order to remain true to their religious convictions. Religious tolerance did not connote repudiation or diminishing of that deep conviction; rather, it demanded respect for the freedom of religious conviction and practices of others. The desire to share one's own religious beliefs with others of different persuasions should be protected. On the other hand, no coercion or pressure should be exerted in disseminating

(Archbishop Martino, Permanent Observer, Holy See)

religious faith. Furthermore, it was the duty of Governments to protect against possible abuses committed on the pretext of freedom of religion. It should be noted in that connection that the report of the Special Rapporteur mentioned the frequent contradictions between national legislations, which almost universally proclaimed the right of freedom of religion, and the implementation of administrative measures which violated that right.

34. It was vital that people receive proper education regarding the true meaning of freedom and tolerance and religious communities should be at the forefront in educating their members. Governments should make every effort not to exploit religious differences and conflicts which were not of a religious nature, such as ethnic strife or issues of political, economic or social nature. Equity demanded that believers of all faiths enjoy freedom of religion, even where there were religious majorities of a single faith.

35. Mr. MAYCOCK (Barbados), speaking on behalf of the 12 member States of the Caribbean Community (CARICOM), drew attention to an unfortunate divergence of views as to what constituted human rights. Some sought to limit human rights to civil and political rights. It appeared not to matter to the proponents of that view whether people starved, were plagued by disease, lacked shelter or other basic human essentials, as long as they enjoyed freedom of speech and could participate freely in choosing their Governments. Others including the CARICOM States viewed human rights as an indivisible cluster of civil, political, economic, social and cultural rights, critical to human survival.

36. The CARICOM States vigorously condemned human rights abuses such as arbitrary arrest and detention, summary execution, torture, racial discrimination, enforced disappearance, religious intolerance, ethnic cleansing and ethnic tensions, and, particularly, the persistence of vestiges of apartheid. They welcomed the completion of a new instrument, the draft Declaration on the rights of persons belonging to national or ethnic, religious and linguisitic minorities, the Declaration on the protection of all persons from enforced disappearance and the adoption by the Commission on Human Rights of resolution 1992/11 calling for a study on the impact of extreme poverty on the enjoyment of human rights.

37. The CARICOM States noted with appreciation the Secretary-General's report on the effective implementation of the Declaration on the Right to Development concerning, *inter alia*, the measures taken by Governments, United Nations bodies and the specialized agencies to implement the right to development. The CARICOM States held the view that education and information were essential to the achievement of lasting respect for human rights and fundamental freedoms and supported General Assembly resolution 43/128, which had launched the World Public Information Campaign on Human Rights.

38. CARICOM commended the work of the Centre for Human Rights and other United Nations bodies and specialized agencies. While its member States

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(Mr. Maycock, Barbados)

supported programmes of cooperation between the United Nations and regional bodies, they wished to underscore that cultural diversity should be taken into account in planning regional training courses and workshops and looked forward to the inclusion of the CARICOM region in future plans. They also urged that the Centre be provided with an appropriate level of financial and human resources to support its expanding workload and therefore welcomed the Secretary-General's proposal (A/47/702) to provide additional funds for the Centre.

39. While the elaboration of a comprehensive body of human rights law was a supreme achievement of the United Nations, ratification of human rights instruments did not in itself guarantee implementation. The international community was therefore greatly indebted to Treaty bodies such as the Committee on the Elimination of Racial Discrimination (CERD) for the crucial monitoring role they performed.

40. The CARICOM States strictly upheld the principle of the rule of law and strongly condemned breaches of the electoral process wherever they occurred. The tragic situation of the people of Haiti remained a major preoccupation of the Heads of Governments of CARICOM States. They were numbed by the revelations in the Special Rapporteur's report on the Situation of human rights in Haiti (A/47/621), with regard to the persistent and systematic violations of human rights in that country. They felt confident that as part of its commitment to electoral assistance, the United Nations would devise strategies aimed at reinstating the duly elected Government of President Aristide. The adoption by the General Assembly of resolution 47/20, entitled "Democracy and Human Rights in Haiti", provided the Organization with sufficient flexibility to take decisive action.

41. The CARICOM States did not believe that postponement of the forthcoming World Conference on Human Rights was a preferred option and hoped that consensus could be reached on the draft agenda A/C.3/47/L.18 for the Conference. While they understood the need to control the proliferation of human rights instruments, they believed that new crises could arise in the field of human rights which did not fall within the purview of existing mandates and instruments, and, therefore, cautioned against any arbitrary prejudgements concerning the need for additional instruments. Regardless of the outcome of the Conference, the CARICOM States were of the view that an impartial approach to human rights situations was imperative and would help to correct the perception by some that there was selectivity and non-objectivity in the application of human rights norms and standards.

42. Mr. VAN DER HEIJDEN (Netherlands) expressed deep concern about the vast number of human rights violations in many parts of the world and the continuing disregard by many Governments of their international legal obligations in the field of human rights, which no crisis could justify.

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(Mr. Van Der Heijden, Netherlands)

43. Women and children were especially vulnerable and they were often the innocent and helpless victims of violence and human rights violations. Violations against women were amply documented in reports by Amnesty International and other sources. In times of civil turmoil or armed conflict the violence intensified and new forms of violations developed, an example being the alleged rape of Muslim women in Bosnia and Herzegovina, but abuses of all kinds were commonplace at all times and, alarmingly, were increasing worldwide. In many cultures such abuses were treated less seriously than other violent crimes, and women were often denied the power to counter the threats against them. His delegation therefore welcomed the draft declaration on violence against women adopted by the inter-sessional working group of the Commission on the Status of Women, and looked forward to its adoption.

44. Children were more vulnerable to human rights violations than any other group. Millions of children continued to die as a result of hunger, disease and armed conflict. There were more than 30 million street children, and infants accounted for half of the 18 million refugees. In countries all over the world children were tortured, killed or unjustly imprisoned by government agents. A particularly worrying development in developing and developed countries alike, was the increase in child prostitution for the tourist industry, representing a new form of slavery. There were still several hundred thousand child soldiers, some as young as seven years old, and forced enlistment was a common practice. His Government considered the age-limit of 15 for recruitment into the armed forces, provided for in the Convention on the Rights of the Child, to be far too low. Children continued to be sold into employment, preventing them from having access to education and other opportunities. The ILO estimate of 88 million working children between the ages of 10 and 14 in 1982 was no doubt higher today.

45. Although socio-economic needs were often the root cause of such abuse, the exploitation of children and the violation of their human rights could never be justified by poverty or underdevelopment. Human rights were and must be an essential component of sustainable development. Although there were laws to safeguard the human rights of children in most countries, law enforcement was inadequate, with law enforcement officers often ignoring the problem or contributing to it through corruption or collusion. Governments were to blame for failing to institute adequate investigations, prosecution and safeguards.

46. The Netherland delegation was not advocating the establishment of new human rights instruments, but considered that women and children required special protection on account of their vulnerability.

47. Mr. SLABY (Czechoslovakia) said that his country, which had always supported the idea of convening the World Conference on Human Rights, was concerned that not all regional groups or States were preparing responsibly for the Conference and regretted the failure to reach agreement on the agenda of the Conference and delays in working out the basic guidelines for the final document.

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(Mr. Slaby, Czechoslovakia)

48. The Conference should prepare a blueprint for human rights activities for the next decade, particularly in the context of unforeseen recent developments which had led to the disintegration of States, the outbreak of armed conflicts, ethnic hatred and racially motivated clashes. It should focus on underscoring the universality of basic human rights instruments, strengthening existing monitoring mechanisms and securing technical assistance for the development of national human rights protection infrastructure. The draft resolution that his country would sponsor met those criteria.

49. Czechoslovakia welcomed the completion of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities and hoped that the related draft resolution would be adopted by the General Assembly. The declaration and the International Year for the World's Indigenous People represented a milestone in the fight for equal status for all population groups. His delegation also looked forward to the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance.

50. Since Czechoslovakia attached importance to rationalizing and improving the efficiency of United Nations human rights bodies, it considered the revision of the agenda of the Commission on Human Rights fully justified and hoped it would be implemented as soon as possible. It supported the strengthening of the Centre for Human Rights, including the recommendation to increase the funding of its activities. In the matter of staff resources preference should be given to candidates from under-represented States or regional groups, in accordance with the principle of equitable grographical representation.

51. In implementation of the principle of periodic and genuine elections, he supported the provision of electoral assistance by the United Nations to Member States at their request and the establishment of the necessary machinery for that purpose. He also endorsed the request to reinforce the Centre for Human Rights for that purpose, and the provisional guidelines on electoral assistance prepared by the Secretariat.

52. Noting with concern the manifestations of religious intolerance in various parts of the world, he supported the Special Rapporteur's recommendation that a binding instrument concerning intolerance and discrimination on grounds of religion or belief might eventually be elaborated.

53. In the context of refugee flows in the former Yugoslavia, the Committee's discussion on human rights and mass exoduses was highly relevant, and its denunciation of the policy of "ethnic cleansing" was commendable. His country, which continued to condemn human rights violations in the territory of the former Yugoslavia, was making substantial efforts to host refugees from the affected areas.

54. The holding of the first special session of the Commission on Human Rights, and its results, constituted an important precedent for enhancing the

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(Mr. Slaby, Czechoslovakia)

Commission's role in monitoring the observance of human rights throughout the world. With regard to the situation in South Africa, his country fully supported the positive changes under way and looked forward to the resumption of negotiations between the parties concerned.

55. The two new independent States to emerge from Czechoslovakia would fully assume their international obligations and were determined, as witnessed by the replacement of the current federal system, to effect the transition and resolve outstanding issues in a legal, constitutional and peaceful manner.

56. Mr. HALINEN (Finland) said that the World Conference on Human Rights would provide States, which had the primary responsibility for the protection of human rights and fundamental freedoms, with an opportunity to present the world community with a progressive human rights agenda. Preparations for the Conference should concentrate on substantive issues, particularly those to be dealt with in the final document. The concept of democracy and the links between human rights and development must be the basis for that preparatory work.

57. The results of the Conference should be commensurate with the importance placed by the Charter on human rights. To that end, a more effective implementation of existing instruments and standards was vital. The Conference also provided an opportunity to assess progress made. While there had been notable achievements, massive and serious violations of human rights persisted. Human rights crises and humanitarian catastrophes frequently coincided, as in Sudan and Somalia, but had been inadequately addressed by the world community. An effective human rights component was an essential part of any measures taken to bring peace to those areas.

58. It was hoped that the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities would be adopted by consensus, thus improving the situation of minorities and strengthening international peace and security. The implementation of that declaration called for greater coordination and cooperation with Member States and with regional organizations such as the Council of Europe and, in particular, the Conference on Security and Cooperation in Europe (CSCE), which had recently decided to establish an office of High Commissioner for National Minorities. A CSCE expert mission was currently beginning its work in the Baltic States, where cooperation with the United Nations would be crucial.

59. The award of the Nobel Peace Prize to Rigoberta Menchu, who symbolized the struggle for social justice for indigenous peoples, aptly coincided with the launching of the International Year for the World's Indigenous People. The situation in her country remained precarious and required action by the world community.

(Mr. Halinen, Finland)

60. In order to defuse escalating ethnic conflicts, the United Nations must be able to rely more on early warning, fact-finding and mediation missions. Efforts made to strengthen the Organization's conflict prevention capacity were welcome.

61. The allocation of the Organization's financial resources did not properly reflect the priority accorded to the promotion of human rights in its activities. More attention should be given to the funding and effectiveness of existing arrangements, including the Centre for Human Rights.

62. His Government had fully endorsed the convening of the special session of the Commission on Human Rights, and welcomed the adoption of the resolution on the situation of human rights in the former Yugoslavia. On that subject, the policy and practice of "ethnic cleansing" in Bosnia and Herzegovina was a crime against humanity and must cease immediately, as must all other human rights violations in the former Yugoslavia. His Government favoured the early establishment of an international tribunal to deal with alleged war crimes.

63. Full implementation of the United Nations human rights instruments must remain the guiding principle for all Governments, and human rights violations should be open to scrutiny by the appropriate United Nations organs. The reported human rights situations in certain countries gave particular cause for concern. The situation in Iraq remained serious and his Government was deeply concerned by Iraq's policy of widening repression. The staff of the United Nations and international humanitarian organizations should be allowed to carry out their work unhindered, and the Iraqi Government should accept the deployment of human rights monitors throughout the country, especially in the southern area. The uncooperative attitude of the Government of Iran towards the implementation of the mandate of the Special Representative was regrettable and the human rights situation there remained a cause of concern. His Government was also seriously concerned about the maintenance of the death sentence imposed on Mr. Salman Rushdie. It deplored the human rights violations in Myanmar, despite recent efforts to improve its image abroad. The military authorities must comply with the results of the 1990 democratic elections and free the remaining political prisoners.

64. He laid stress on burden-sharing and joint action to achieve better results in the field of human rights, taking advantage of a period when the United Nations enjoyed enhanced credibility and authority.

65. Ms. AIOUAZE (Algeria) said that her country was firmly committed to ensuring the enjoyment of human rights through its domestic legislation and the international treaties to which it was a party. Algeria's constitution guaranteed human rights and fundamental freedoms, a multiparty system, and freedom of the press and association. Her country's commitment to democracy was accompanied by a rejection of all forms of violence, extremism and intolerance. Algeria had become a party to the basic international human rights instruments, was complying with its reporting obligations under their

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(Ms. Aiouaze, Algeria)

terms and had established follow-up mechanisms for implementing their provisions.

66. The promotion of human rights required an integrated approach. States had the responsibility to promote civil and political rights and also to come to grips with economic and social problems. While there was no development without democracy, neither could there be democracy without development. Overcoming the acute poverty affecting at least a fifth of the world's population was the greatest human rights challenge. In that connection, she stressed the importance of the right to development, as set forth in General Assembly resolution 41/128.

67. The forthcoming World Conference on Human Rights was an important event, which should take account of the problems facing developing countries and recognize the specific historical, political, economic and cultural characteristics of societies. The Conference would be an opportunity for reaching a consensus on action to promote the enjoyment of all human rights for all humanity.

68. Mr. YOUSIF (Sudan), exercising his right of reply, said that the statements made by the representatives of Norway and Slovenia at the Committee's 49th meeting with regard to the human rights situation in the Sudan were based on false information and that the delegations of the United States and the United Kingdom had presented a one-sided view of that situation. The Commission on Human Rights had decided to investigate certain individual complaints of human rights violations in the Sudan. An independent expert had just concluded a visit to that country and would report on that subject to the Commission in February 1993. Furthermore, a Special Representative of the Secretary-General had recently visited the Sudan and would also report at that time to the Commission on the situation of displaced persons in the country. In the circumstances, it was only fair and logical for the representatives of Norway and Slovenia to await the outcome of those investigations before reaching the type of conclusions put forward in their remarks. It was also reasonable for the Committee to postpone taking action on a draft resolution dealing with an issue which was still under consideration by another competent body of the United Nations.

69. There was absolutely no detention without trial in the Sudan. It was maliciously false to proclaim that the Sudanese Government had forcibly displaced legal residents against their will or had committed acts of racial discrimination against any group. The executions referred to had been justified legal action taken by the competent authorities against persons convicted of treason and mass destruction of life. The Sudan's record in caring for displaced persons and hundreds of thousands of refugees from neighbouring countries was well known to all concerned, including the sponsors of the draft resolution on refugees and displaced persons before the Committee. Sudan had never impeded relief operations and its record of cooperation with the United Nations had been demonstrated through the agreements concluded between his Government and the Organization.

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(Mr. Yousif, Sudan)

70. His delegation was very much concerned that the manner in which human rights issues were discussed in the Committee would seriously affect the Committee's ability to act with impartiality, especially when proposals put forward were politically motivated. He hoped that the representatives of Norway and Slovenia would reconsider the erroneous statements that they had made with regard to the Sudan. The veracity of the accusations levelled against his country was yet to be determined by the investigations being carried out by the Commission on Human Rights.

The meeting rose at 12.35 p.m.

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Official Records

THIRD COMMITTEE
52nd meeting
held on
Tuesday, 1 December 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 52nd MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. KRENKEL	(Austria)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/47/3, A/47/184-E/1992/44, A/47/445; A/C.3/47/13)

1. The CHAIRMAN invited the Committee to begin its consideration of agenda item 12. Since no delegation wished to make a statement, he said that the Committee would consider the draft decision of the Chairman on the report of the Economic and Social Council and probably turn its attention to a draft resolution on non-governmental organizations. He also suggested that there should be no discussions on the issue.

2. It was so decided.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued) (A/47/60-S/23329, A/47/67, A/47/82-S/23512, A/47/84-S/23520, A/47/88-S/23563, A/47/89-S/23576, A/47/91-S/23585, A/47/122-S/23716, A/47/126, A/47/172, A/47/175, A/47/180, A/47/204-S/23887 and Corr.1, A/47/225-S/23998, A/47/256-S/24061, A/47/267, A/47/268, A/47/280, A/47/290-S/24204, A/47/296, A/47/335-S/24306, A/47/343, A/47/351-S/24357, A/47/356-S/24367, A/47/361-S/24370, A/47/366, A/47/392-S/24461, A/47/465, A/47/476, A/47/527-S/24660, A/47/569, A/47/671-S/24814, A/47/709-S/24837, A/47/712-S/24844; A/C.3/47/2, A/C.3/47/5, A/C.3/47/7, A/C.3/47/10)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, A/47/41, A/47/44, A/47/427, A/47/428, A/47/429, A/47/518, A/47/628, A/47/632, A/47/662, A/47/667)

Draft resolution A/C.3/47/L.42

3. The CHAIRMAN reminded delegations that in addition to the sponsors listed in the document Italy had been announced as a sponsor when draft resolution A/C.3/47/L.42, entitled "Effective implementation of international instruments on human rights", had been introduced. Also, the representative of Canada had orally revised the draft resolution by deleting the words "in the light of the deliberations of the Commission on Human Rights, under the item entitled 'Human rights questions'" from paragraph 12. Samoa had later become a sponsor of the draft resolution. The programme budget implications of draft resolution A/C.3/47/L.42 were contained in document A/C.3/47/L.46.

4. Draft resolution A/C.3/47/L.42, as orally revised, was adopted without a vote.

5. Mr. AIZAWA (Japan) said that his delegation had joined in the adoption without a vote of draft resolution A/C.3/47/L.42. However, as he had previously noted, his delegation had reservations with regard to the financial implications of that draft resolution. It also had similar reservations with respect to draft resolution A/C.3/47/L.44, adopted on 25 November 1992.

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Draft resolution A/C.3/47/L.43

6. The CHAIRMAN said that in addition to the sponsors listed in the documents, the following countries had been announced as sponsors when draft resolution A/C.3/47/L.43, entitled "Implementation of the Convention on the Rights of the Child" had been introduced: Austria, Bangladesh, Barbados, Benin, Burkina Faso, China, Costa Rica, Cuba, Cyprus, Egypt, Estonia, Gambia, Germany, Greece, Italy, Kenya, Lithuania, New Zealand, Nicaragua, Nigeria, Philippines, Poland, Russian Federation, Rwanda, Samoa, Sierra Leone, Spain, Sri Lanka, Sudan, Thailand, Tunisia, Ukraine and Venezuela. The following countries had also become sponsors of the draft resolution: Ecuador, Ethiopia, Cape Verde, Central African Republic, Latvia, Mongolia, Niger, Pakistan, Sierra Leone and Yemen. The programme budget implications of draft resolution A/C.3/47/L.43 were contained in document A/C.3/47/L.47.

7. Draft resolution A/C.3/47/L.43 was adopted without a vote.

8. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 97 (a).

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, A/47/434, A/47/445, A/47/479, A/47/501, A/47/502, A/47/503, A/47/504, A/47/552, A/47/626, A/47/630, A/47/668, A/47/701, A/47/702; A/C.3/47/L.49)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, A/47/617, A/47/621, A/47/625, A/47/635-S/24766, A/47/651, A/47/656, A/47/666-S/24809, A/47/676; A/C.3/47/L.48)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

9. Ms. ENKHTSETSEG (Mongolia) noting that one of the fundamental purposes of the United Nations was "to achieve international cooperation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all", said that if the General Assembly adopted at its forty-seventh session the draft declaration on the protection of all persons from enforced disappearances and the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, they would enrich the United Nations arsenal of human rights standards. However, those instruments could prove their effectiveness only if they were adequately implemented at the national and international levels. In that respect, her delegation shared the view that the World Conference on Human Rights would provide the opportunity to assess the results accomplished in the field of human rights and identify the remaining obstacles.

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(Ms. Enkhtsetseg, Mongolia)

10. The interdependence between development and human rights was increasingly being recognized. The right to development should not be viewed as a substitute for already recognized rights, but rather as an instrument for enhancing existing rights. That was why her delegation felt that the Declaration on the Right to Development was a key instrument in the field of human rights and wished to emphasize the importance of the proposals and recommendations for action contained in document E/CN.4/1992/10.

11. The main obstacles to the implementation of the Declaration on the Right to Development included the external debt, trade imbalances and poverty. In that regard, the adoption of an "agenda for development", in addition to the Agenda for Peace proposed by the Secretary-General, would greatly contribute to the realization of the right to development.

12. Member States bore the primary responsibility for ensuring and guaranteeing human rights. Efforts were under way in Mongolia to improve national legislation and bring it into line with the relevant universally recognized international standards. Respect for human rights was one of the distinctive features of the recently enacted Constitution of Mongolia. Moreover, Mongolia, which was a party to the major international human rights instruments, had recently acceded to the Optional Protocol to the International Covenant on Civil and Political Rights.

13. In autumn 1991, Mongolia had organized, in collaboration with the Centre for Human Rights, a training course on international human rights standards and national legislation. It wished to further develop its cooperation with the Centre and felt that the Centre should be provided with the additional human and financial resources it required to fulfil its objectives.

14. Mr. ARRIA (Venezuela) noted that two years after the proclamation of the human rights decade, the human rights situation had worsened considerably. The international community had been caught unawares by the senseless violence that characterized conflicts, and by their heavy connotation of ethnic and religious intolerance. Public opinion was also worried about the extent of xenophobic demonstrations in Europe. Those phenomena were creating tensions and threatening international peace and security; all States, individually or collectively, must urgently take vigorous measures to stop them. Moreover, human rights constituted a whole, covering not only civil and political rights, but also economic, social and cultural rights. Although the question of respect for human rights was not primarily part of its mandate, the Security Council had endeavoured to deal with the most flagrant violations of human rights because experience had shown that such violations were closely linked to situations in which international peace and security were threatened. Although the Security Council's action in that area had generally been ineffective and come too late, he wondered which other United Nations body could have reacted with the required speed. It had to be admitted that the international community did not have appropriate mechanisms for rapid and effective intervention: whenever a crisis arose, the United Nations had to

(Mr. Arria, Venezuela)

negotiate on the sending of a special rapporteur and to wait for the Commission on Human Rights to meet to consider the rapporteur's report.

15. His delegation therefore welcomed the initiative taken by the Commission on Human Rights to convene special sessions, as in the case of the former Yugoslavia, and hoped that that process would pave the way for the review of human rights monitoring mechanisms to be undertaken at the World Conference on Human Rights. The prestige and credibility of the United Nations, human rights instruments and human rights monitoring mechanisms were being severely tested by the extent of human rights violations in the world. The Conference on Human Rights and its regional preparatory meetings provided an extraordinary opportunity for considering the situation and adopting specific measures in that area. It was high time that new institutional and other mechanisms were designed that were better adapted to the realities of the modern world. In that regard, Amnesty International had recently proposed the establishment, within the United Nations system, of an adequately staffed and funded high commission for human rights.

16. In 1991, his delegation's statement had been dedicated to the cause of the Haitian people, maltreated and terrorized by an armed gang of civilians and soldiers who had overthrown the legitimate President, Jean-Bertrand Aristide, and held up to ridicule the international community, as represented by the Organization of American States and the United Nations, which had overseen the organization of free and fair elections. Preferring to run the risk of perishing at sea rather than living under the yoke of usurpers who violated the most fundamental human rights, Haitians had been fleeing in droves from their country. The interim report submitted by the Special Rapporteur appointed by the Commission on Human Rights gave a detailed account of the dire economic and political situation of the country, in particular, the persecution and indiscriminate repression of the Haitian people. In that regard, Venezuela hoped that the draft resolution on the human rights situation in Haiti which it had submitted to the Committee (A/C.3/47/L.73) would be adopted by consensus.

17. World opinion was also upset by two other cases of massive human rights violations: the situation in Somalia and the situation in the former Yugoslavia, particularly in Bosnia and Herzegovina. In Somalia, armed bands led by a few local warlords were perpetrating massive human rights violations and had wrecked the entire government structure. It had thus become impossible to deliver the humanitarian assistance that Somalia's poverty-stricken and sick population needed. As a result of the caution of the United Nations in its negotiations aimed at securing the authorization of the parties to the conflict, the process of deploying peace-keeping forces was nearly a year behind schedule. The only authority that those warlords wielded stemmed from their possession of fire arms and their sole claim to legitimacy flowed from the process of consultation set in motion by the United Nations. If the Organization did not demonstrate that it was capable of intervening

(Mr. Arria, Venezuela)

rapidly and vigorously in Somalia, the world would have few illusions about its ability to carry out humanitarian activities in connection with other conflicts.

18. He deplored the fact that recourse to Chapter VII of the Charter of the United Nations had not prevented the tragedy currently unfolding in Bosnia and Herzegovina. The special sessions of the Commission on Human Rights and the work of the impartial Commission of Experts set up by the Security Council [resolution 780 (1992)] would make it possible to assess the extent of that tragedy. The international community would then be obliged to take measures to ensure that similar situations would not occur again in the future. It was not enough to condemn criminal acts in a resolution; more forceful measures must be taken, for instance establishing an international criminal court to make an example of those responsible for such acts.

19. The tragic repercussions of crises and conflicts on the lives of people should encourage the international community to adopt creative policies and vigorous measures in the economic, social and humanitarian spheres. On the eve of the World Conference on Human Rights, the international community should imagine the world that it wanted to bequeath to future generations and work in a spirit of collective responsibility towards making such a world a reality.

20. Mrs. AL-HAMAMI (Yemen) said that, with the emergence of the new world order, the international community had entered a trasition phase characterized by the spread of democratic ideas and concern for the protection of human rights and, in particular, by the search for new ways of improving the effective enjoyment of those rights and fundamental freedoms. In order to achieve that vital aim due consideration must be given on the one hand, to all the elements which must be taken into account when addressing development-related social problems and, on the other, to the principles established in the Charter of the United Nations and in the Universal Declaration of Human Rights and the provisions of international law relating to national sovereignty and non-interferance in the internal affairs of States.

21. Her Government therefore welcomed the convening, in 1993, of the World Conference on Human Rights, which should address that question in all its aspects and enable States to give effect to the commitments and obligations they had entered into under international human rights instruments. Nevertheless, it was important to ensure that the Conference did not dissociate human rights from the right to development, because political and social tensions were more often than not the product of poverty, illiteracy and overpopulation. It would therefore be sensible to address the most pressing humanitarian problems with moderation and in a spirit of impartiality and equity, to be reflected in the final document of the Conference; that document should serve as the main reference tool for the international community where human rights were concerned.

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(Mrs. Al-Hamami, Yemen)

22. In that regard, Yemen set great store by the work of the fourth session of the Preparatory Committee for the Conference and of the regional meetings, during which efforts had been made to resolve the fundamental problems raised by certain delegations, which had invoked the principles and ideas contained in the Charter and in the two International Covenants on Human Rights. In addition, she hoped that the Conference would lead to constructive results which would form part of a new humanitarian order based on democracy and respect for human rights and fundamental freedoms.

23. Yemen believed that the process of democratization, which was designed to strengthen freedoms and to enable every person to participate fully and with complete fairness in a country's political, economic and social activities, must include the holding of elections, which constituted the fundamental characteristic of a democracy. In that belief, a unified Yemeni State had been created with a political order based on democracy, a multi-party system and the safeguarding of human rights. Those changes had had a considerable impact on the lives of the people of Yemen to whom the Constitution now guaranteed free participation in political life, irrespective of their convictions. Furthermore, there were currently 73 political parties in Yemen, approximately 150 daily and weekly newspapers and an elected house of representatives, which had the task of formulating legislation and could, where necessary, hold its members publicly accountable, since its debates were broadcast on national television.

24. Convinced of the need to organize direct elections to strengthen democracy and wishing to honour the undertakings which it had given in that regard and to carry the associated constitutional and administrative measures through to their conclusion, the Yemeni Government had decided, in implementation of a decision by the Electoral Commission and following intensive consultations with the country's various political parties and social groups, to organize free, fair and democratic elections in 1993. Those elections, which were being carefully prepared by the Electoral Commission, would usher in the first elected parliament of the unified State of Yemen.

25. Finally, noting that the issue of human rights had made considerable progress in many regions of the world, her delegation urged the international community to support the legitimate claims of the Palestinian and South African peoples, who were the victims, respectively, of foreign occupation and of the apartheid regime, and to provide humanitarian assistance and strengthened support for the stricken peoples of Somalia and Bosnia and Herzegovina.

26. TRINH XUAN LANG (Viet Nam) said that, after 30 years of devastating wars, Viet Nam had regained its independence and freedom, the fundamental rights for any nation and its citizens. The enjoyment of human rights and fundamental freedoms could not be assured while a country remained under foreign domination, racked by wars and conflicts or the victim of poverty and underdevelopment. Before they could exercise their fundamental freedoms and

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(Trinh Xuan Lang, Viet Nam)

rights, citizens must first be able to satisfy their basic needs, such as food, shelter, health care and education. For that reason, Viet Nam had undertaken to rebuild the country and to restructure its society with a view to eliminating poverty and raising the standard of living of its people. Its economic reforms were accompanied by political reforms designed to promote respect for human rights, to extend the fundamental freedoms of citizens in all areas, to restructure the political system and to build a State governed by democratic principles.

27. The new Constitution promulgated in April 1992 established the right of citizens to freedom and covered human rights in all their aspects, political, civil, economic, cultural and social, as well as the obligations of citizens towards the State and society. Together with the other legal instruments in force, in particular, the Penal Code, the Penal Procedure Code, legislation on the family, nationality, the judicial system, health, trade unions, child protection and education, the 1992 Constitution had created a legal and institutional system capable of guaranteeing the protection of, and respect for, fundamental freedoms and rights of citizens, in accordance with the provisions of the International Covenants on Human Rights and other relevant international instruments to which Viet Nam was a party.

28. His delegation believed that every nation had the right freely to choose its own social and political system based on the principles of independence and national sovereignty, self-determination and non-interference in the internal affairs of other States, to choose its own way of development and to resolve its problems in accordance with its own situation. In addition, the different historical contexts and social and cultural traditions of each country meant that perceptions of democracy and human rights also differed. As a result, countries should endeavour to understand one another and seek common ground, rather than attempting arbitrarily to impose their own perceptions and ideas, or even their own models. In that context, his delegation fully supported the view expressed in the final document of the Tenth Summit Conference of the Movement of Non-Aligned Countries held at Jakarta in September 1992, to the effect that the promotion of human rights should be based on the principles of non-selectivity, objectivity and impartiality. Any attempt to exploit human rights issues for political ends must be resisted.

29. The Commission on Human Rights and the General Assembly had both recognized that the right to development was an integral part of fundamental human rights. The Declaration on the Right to Development adopted by the General Assembly at its forty-first session (resolution 41/128), affirmed that it was an inalienable human right. His delegation believed that the United Nations should give priority to that right, which was of prime importance to the people of developing countries. It invited the Secretary-General to undertake multifaceted and practical measures to ensure the effective implementation of the Declaration.

(Trinh Xuan Lang, Viet Nam)

30. Viet Nam attached great importance to the World Conference on Human Rights to be held in 1993, which would provide an opportunity to review and assess the progress made by the United Nations and the international community since the adoption of the Universal Declaration of Human Rights, and to identify obstacles to its implementation. The Conference should give priority to implementation of the right to development, the relationship between development and the effective enjoyment of human rights, and the creation of international conditions for their enjoyment. It should also examine ways to improve the implementation of human rights standards and instruments and make concrete recommendations for improving the effectiveness of United Nations activities and mechanisms and providing the necessary resources. Viet Nam was committed to making an active contribution to the regional preparatory meeting for Asia and the Pacific to be held in the near future.

31. Mr. MUSUKA (Zambia), speaking on agenda item 97 (b), said that since the end of the cold war, the question of human rights had assumed increased importance. As the ideological divide had been removed, constructive discussion of those issues should be possible, based on the principles of objectivity, non-selectivity and impartiality, in order to promote respect for human rights as enshrined in the Charter.

32. The United Nations clearly had a central role to play, and its work in standard setting was commendable. As the mandate of the Centre for Human Rights had expanded over the years, it was only logical that the Centre should receive sufficient human, material and financial resources to enable it to conduct its activities. United Nations efforts should, however, be complemented by national efforts, and Governments should not only pass the required legislation on human rights, but should take deliberate measures to translate such legislation into action.

33. During the current era of democratization, that process should be accompanied by sustained efforts to ensure economic growth and development. Only when poverty was reduced and people were able to satisfy their basic needs would they be able to appreciate democracy.

34. The new Government of Zambia had come to power 12 months earlier, and it was determined to make democracy succeed in that country. It had received generous support from many countries, some of which had decided to write off some of its debts.

35. His delegation attached great importance to the World Conference on Human Rights in 1993, the first on that subject to be held in the post-cold war era, and to the entire preparatory process. The Conference would have the task of charting a global agenda on human rights for the 1990s and beyond and, in so doing, it should build on achievements in human rights standards since the International Conference on Human Rights held in 1968 in Teheran. Transparency must be assured both in the preparatory process and at the Conference itself. Draft resolution A/C.3/47/L.18 contained a proposed agenda

(Mr. Musuka, Zambia)

for the World Conference which was, in some measure, the lowest common denominator, based on General Assembly resolution 45/155. His delegation had participated in the preparatory meetings that had taken place thus far, and would prefer an agenda reflecting specific regional perspectives arising from regional preparatory meetings for the World Conference. Nevertheless, his delegation would not stand in the way of a compromise agenda on which Member States had reached consensus.

36. The preparatory meeting for the World Conference for the African region had been held from 2 to 6 November 1992 in Tunis. His delegation supported the Tunis Declaration adopted at that meeting.

37. The eradication of racism, racial discrimination and apartheid should continue to be given priority. That task was made even more urgent by the rising tide of racism and xenophobia and by the fact that apartheid continued to be the root cause of human rights violations in South Africa. That situation had been examined in detail in the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights (A/47/676). His delegation fully supported the recommendation in that report that the General Assembly should ensure that the issue of the complete abolition of apartheid was incorporated into the agenda for the World Conference. It also wished to reaffirm the fundamental right to self-determination as well as the rights of peoples under foreign occupation, particularly the peoples of the occupied Arab territories.

38. The various categories of human rights must be promoted because they were indivisible and interdependent; particular emphasis should be placed on the right to development. Efforts to promote the realization of the right to development should, therefore, be intensified and an appropriate mechanism should be elaborated to that end. A supportive international economic system was necessary in order to facilitate the implementation of the Declaration on the Right to Development so that international solidarity would be intensified, development assistance increased and the serious debt problem settled.

39. Mr. WISNUMURTI (Indonesia) said that the end of the cold war and the increasing role of the United Nations in the settlement of political disputes and socio-economic problems had created a favourable climate for the greater respect for human rights and fundamental freedoms. The international community should proceed on the basis of cooperation, and should reject any attempt to exploit human rights issues for political ends or for any purpose other than that of promoting universal respect for such rights.

40. It must be recognized that fundamental rights covered all rights, whether civil, political, economic, social or cultural. Countries that had attained a high degree of socio-economic security and stability gave greater attention to civil and political rights and to the protection of the rights of the

(Mr. Wisnumurti, Indonesia)

individual; developing countries, on the other hand, must first ensure that their basic economic needs were met in order to provide the stability which would allow them to promote and protect human rights. In that regard, the General Assembly, in its resolution 41/128, had proclaimed that the right to development was an inalienable human right and that all human rights and fundamental freedoms were indivisible and interdependent. Likewise, the Commission on Human Rights, in its resolution 1992/11, had reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity. Therefore, it was imperative that multilateral support should be offered to the social and economic development programmes of developing countries.

41. The universal validity of basic rights and freedoms had been reaffirmed in the Jakarta Message, adopted at the Tenth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, which had also called for a balanced relationship between individual and community rights, underscored the fundamental nature of the right to a standard of living adequate for health and well-being, especially for children, and reiterated the moral duty of the international community in that respect. The Final Document of the meeting confirmed that, although the non-aligned countries remained committed to promoting and protecting human rights and fundamental freedoms as well as to their obligations under the relevant universal instruments, they nevertheless refused to allow respect for economic, social and cultural rights, to be made a condition for the provision of socio-economic assistance, as that would undermine the relevance of those rights.

42. The Movement of Non-Aligned Countries had welcomed the efforts of the developing countries to set up democratic institutions and to institute political and economic reforms; it had also recalled the right of all nations freely to establish their own political and economic systems on the basis of respect for national sovereignty, self-determination and non-interference in the internal affairs of other countries. In that connection, the participants at the summit had called for full respect for the sovereignty, independence and territorial integrity of Bosnia and Herzegovina. They had demanded the immediate cessation of hostilities, the speedy withdrawal of all external forces from the territory and had called upon all parties to cooperate fully with the United Nations peace-keeping forces, whose deployment they had called for. They had also condemned the grave and massive violations of human rights as well as ethnic cleansing, which was not so much the consequence as the true objective of that war, as the Secretary-General's note (A/47/635) made clear.

43. He drew attention to document A/47/479, which provided a brief summary of action taken by the Commission on Human Rights with regard to observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes. Turning to document A/47/668, he also noted that, while Governments were primarily responsible for implementing the democratic process, the United Nations was none the less increasingly called upon to provide assistance in the organization and conduct

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(Mr. Wisnumurti, Indonesia)

of elections. However, some countries with considerable experience of conducting elections lacked the financial resources to participate in electoral assistance, and means should be found to facilitate their contribution. Indonesia had taken part in the United Nations Conference on Coordination of Assistance in the Electoral Field, held at Ottawa in October 1992, and would continue to play an active role in that area.

44. His delegation commended the efforts of the Centre for Human Rights to organize seminars, training courses and workshops in the Asia and Pacific region over the previous decade (A/47/502). Indonesia had thus been able to organize its own national workshop on human rights in January 1991 at Jakarta. His delegation took note of the measures adopted to strengthen the Centre in order to enable it to carry out all its assigned tasks successfully and in a timely manner (A/47/702).

45. With regard to the World Public Information Campaign on Human Rights (A/47/503), his delegation considered that the United Nations information and education programme was an important initiative that would promote awareness which was essential for the universal implementation of human rights standards.

46. The Non-Aligned Countries would continue to coordinate their positions and to participate in the preparatory process for the World Conference on Human Rights by holding regional meetings in Africa, Latin America and Asia so that all aspects of human rights would be addressed on the basis of universality, impartiality and non-selectivity. For its part, Indonesia was confident that the Conference would reflect the international community's desire to encourage, secure and protect universally accepted standards of behaviour.

47. Mr. VORONTSOV (Russian Federation) said that the decision to request the inclusion of an item concerning the situation of human rights in Latvia and Estonia in the agenda of the forty-seventh session of the General Assembly had not been an easy one for the Russian Federation, whose leaders had recognized the independence of the three Baltic Republics one year previously, even before the collapse of the Soviet Union, in the hope of seeing a genuinely democratic regime established that would guarantee respect for the human rights of the whole population, including Russian speakers.

48. Unfortunately, that hope had only been partly fulfilled. Contrary to the practice followed in Lithuania, nationality in Latvia and Estonia was granted only to the indigenous population, with serious implications for human rights. Thus, hundreds of thousands of Russian speakers and nationals of the other republics of the former USSR, most of whom had been living for decades in those countries and had welcomed their independence, could not now obtain citizenship there, even by naturalization.

49. One might ask what they were "guilty" of, if such a term was applicable. Were they guilty of having arrived after the Second World War to revitalize

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(Mr. Vorontsov, Russian Federation)

the economy of ruined countries? Or were they guilty of having come, bound by their oath, to work in military facilities?

50. In fact, if several thousand individuals had come from all parts of the former Soviet Union, they had done so to build factories and bridges, roads and new towns, and - to put it simply - to live. Likewise, the new generations did not intend to remain idle, but to be of use to their new countries: independent Latvia and Estonia.

51. Yet, the non-indigenous populations were currently being denied true citizenship on the grounds that the vast majority of their parents had not lived in those countries prior to 1940, and the acquisition of nationality by naturalization was hindered by hurdles that were hard to overcome, such as the need to provide proof of long-term residence or the need, even for the elderly, to take an examination in the Latvian or Estonian language. Some categories of Russian speakers, i.e. retired members of the army or former Communist Party officials, were even denied that possibility altogether.

52. The situation of other "non-nationals" was slightly better. However, the term non-national was used officially in the legislation of the Republic of Estonia, for example. Furthermore, the serious economic crisis currently experienced by the Baltic States affected first of all the interests of non-indigenous workers, who were the first to experience unemployment. In Estonia, their loss of livelihood not only deprived Russian speakers of the possibility of obtaining citizenship, it also condemned them to poverty.

53. For the non-native populations of Latvia and Estonia, then, obtaining citizenship was not an end in itself but practically the only way of guaranteeing their economic, social, civil and political rights. In addition, Russian-speakers, who accounted for approximately 40 per cent of the population of Estonia, were not entitled under the terms of the current Constitution to vote or to stand for election to the highest offices, or even to take part in referendums such as the recent Presidential election. Lacking representation, they had no way of legally protecting their interests, particularly as non-nationals were prohibited from forming their own political parties.

54. Apparently, the real goal of Latvia and Estonia was to establish States composed of a single ethnic group by creating conditions which would oblige the non-native population to leave "voluntarily". Hundreds of thousands of Russian speakers now had no other choice but to yield to the pressure and leave the country, or else resign themsleves to the status of non-nationals, deprived of most, if not all, of their rights while waiting to be deemed "worthy" of obtaining Latvian or Estonian citizenship.

55. In his delegation's view, that was not a constructive alternative. So long as the efforts to drive "foreigners" from the Baltic States were pursued in an ostensibly civilized manner, they would encounter no obstacles, but what

(Mr. Vorontsov, Russian Federation)

guarantee was there that such measures would not exhaust the patience of those now being obliged politely, but firmly, to leave? In addition, what hope was there that the Russian-speaking populations would be willing to be second-class citizens in the countries which, even if conditions there had ceased to be comfortable, remained their home?

56. Events might well take a tragic turn, unless preventive measures were taken as a matter of urgency. Accordingly, his Government had suggested to Latvia and Estonia that the problem should be settled through negotiations; however, the numerous discussions held to date had failed to improve the situation.

57. Non-governmental human rights organizations were also concerned at the fate of the Russian-speaking populations in Latvia and Estonia. Helsinki Watch and the Lawyers' Committee for International Human Rights, which in the recent past had severely and justifiably criticized the former Soviet Union, had analysed the situation in detail and had identified numerous cases where the two countries' laws failed to comply with internationally recognized standards.

58. According to the report of the Lawyers' Committee, Latvia's citizenship bill constituted a serious infringement of human rights. The grounds for the prerequisite of 16 years' permanent residence had been severely criticized by many human rights organizations and by the Commission of the European Communities, while the obstacles to obtaining citizenship violated articles 19, 20 and 22 of the International Covenant on Civil and Political Rights, to which Lativia had become a party in 1992. Furthermore, non-nationals were excluded not only from participation in elections, but also from the privatization process. The report concluded that Latvia was endeavouring to address a long-standing inequality by treating with still greater inequality those who were in no way responsible for the past.

59. The President of the European Parliament, who could not be accused of bias, had spoken of the shock felt by representatives of that body on learning during a visit to Estonia that a large part of the population, which had enjoyed civil rights even under the Stalinist regime, was now virtually deprived of such rights in what had become a sovereign country aspiring to be a democracy.

60. Estonia's Citizenship Act was also discriminatory. The apparently liberal provisions on permanent residence (two years as of 30 March 1990 plus one year following the citizenship application) actually excluded tens of thousands of people from the political life of the State and society at a critical stage in the construction of the country. Non-nationals could not fully enjoy their economic rights, while the right to acquire land as private property, operate a business, or form a trade union or commercial company was limited.

(Mr. Vorontsov, Russian Federation)

61. Nor, could they serve as government or local officials or take part freely in elections at the workplace. Together with the currency reform, all the above measures served only to increase unemployment among the Russian-speaking population. The division of society into "citizens" and "non-citizens", under existing legislation cast doubt on the country's ability to develop a representative democracy, particularly as other laws on political rights and rights relating to property, education and employment had been adopted on the basis of the citizenship laws.

62. Furthermore, the failure to provide a transitional period in which the non-native population could learn the national language was a violation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Employment Policy Convention, the Convention concerning Discrimination in Respect of Employment and Occupation and the Declaration on Social Progress and Development.

63. All those factors showed how important it was to take measures at both the bilateral and multilateral levels, particularly as recent events had clearly demonstrated the serious consequences that could arise from failure to pay sufficient attention to questions such as discrimination against minorities.

64. Thus his country had been compelled to appeal to the international community as a whole to act. The Latvian Government had agreed to receive a mission of United Nations experts, whose conclusions might not resolve the problem but would help to publicize the situation at a time when Latvian human rights legislation was at a crucial stage in its development. For its part, Estonia had eventually agreed to admit observers from the Conference on Security and Cooperation in Europe (CSCE) after twice refusing to do so. It was important that United Nations experts should also visit Estonia.

65. However, the Baltic leaders were aware of the situation, as was clear from the letter of 13 November 1992 addressed to Mr. Boris Yeltsin by the President of Estonia, which stressed that the question of the Russian-speaking population should not serve to divide the two countries, but in fact enable them to maintain relations of good neighbourliness. The Estonian Parliament was currently examining a bill under which certain categories of the Russian-speaking population might benefit from a simplified procedure for obtaining citizenship.

66. The Russian Federation believed, however, that the international community should not disregard what was happening in the current critical period. It was not calling on the United Nations to take sides, but it believed that the international community should take a careful and "preventive" look at the human rights situation in the region so as to prevent discrimination against a significant part of the population from creating new hotbeds of tension and conflict. The President of the Russian Federation had therefore called on the United Nations to take measures to encourage the

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(Mr. Vorontsov, Russian Federation)

Baltic States to fulfil their obligations under bilateral and international agreements in the field of human rights and fundamental freedoms. The Russian Federation hoped that as a result Member States would better understand the need to undertake common efforts while there was still time so as to avoid the emergence of new interethnic problems.

67. Both developed countries, including the neighbouring Baltic countries, and developing countries, had experience of constructive cooperation between different nationalities within the same State; that was all the more valuable in that it could help resolve similar problems in other countries. The Russian Federation sincerely hoped that the experience acquired in that field by the United Nations would make it possible to steer the human rights situation in Latvia and Estonia towards mutual respect for national interests and fruitful cooperation among their populations.

68. Ms. DAMUŠIS (Lithuania), speaking on items 97 (b) and (c), said that Amnesty International had rightly referred to 1992 as a "year of trial and triumph", since it had been marked by civil war and starvation in Somalia and ethnic hatred and violence in former Yugoslavia, but those situations should not obscure the triumph in recent years of the actual concept of human rights. As people the world over sought to enjoy the fundamental freedoms embodied in the Universal Declaration of Human Rights, and as more and more Governments took concrete steps not only to promote but also to protect human rights, the universality of human rights was becoming a dynamic reality.

69. Lithuania had taken several practical measures to establish the rule of law. A new constitution, passed by referendum on 25 October 1992, guaranteed the individual rights set forth in the International Bill of Human Rights (freedom of thought, conscience and religion, freedom of association and freedom to take part in government, directly or indirectly). The Constitution recognized that all were free and equal in dignity and rights, and that no one should be subjected to arbitrary arrest, detention or exile or to arbitrary interference in his privacy, family, home or correspondence. The 1989 Law on National Minorities was inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights. It enumerated the individual and collective rights of persons belonging to national or ethnic, religious and linguistic minorities and guaranteed equal political, economic and social rights to all citizens regardless of nationality. Minorities had the right to participate in cultural, religious, social and economic public life, as well as in decision-making on matters that concerned them, at the national and regional levels. A percentage of seats was reserved for minority groups so that groups which had received more than 1 per cent of the vote had been able to gain any of the 70 out of 141 seats allocated proportionally by party.

70. In accordance with article 2 of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Lithuanian national minority law stipulated that persons belonging to

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(Ms. Damušis, Lithuania)

minorities had the right to enjoy their own culture, to profess and practice their own religion and to use their own language, in private and in public, freely and without interference or any form of discrimination. Lithuanian law represented an advance on the provisions of the International Covenant in that it specifically guaranteed national minorities the right to receive State support for the development of their culture and education. Whereas the Soviet Union, under the policy of Russification in occupied Lithuania, had banned minority schools, newspapers, museums and places of worship, her Government was now implementing a policy of assistance to minorities that were seeking to rebuild all that had been lost or destroyed over the past 50 years. In 1988, for example, there had been no Polish preschools in Lithuania, while there were now 164. The language law of 1989 requiring that the highest agencies of the State, local councils and social organizations should use Lithuanian as the official language of communication would come into effect in 1995, but communities where the majority of the population used another language were exempted from that law.

71. Lithuania believed that only a strong bond between market and democracy and a close linkage between human rights, democracy and development could ensure the success of its own transition and of the new world order, and that development focused firmly on the individual was essential for the advancement of democratic ideals and institutions.

72. Lithuania urged the 1993 World Conference on Human Rights to take note of the difficulties posed by democratic transition as newly independent States struggled to overcome the legacy of totalitarianism without threatening the development of democratic institutions or the protection of human rights. It believed that the Centre for Human Rights should be strengthened, as the demands for its advisory services increased. Since the public needed to be better informed about human rights issues, Lithuania hoped that the Centre would increase its training and technical assistance programmes for Lithuanian experts in the field; several human rights instruments had been published in the Lithuanian language, and 44 other international legal instruments were being translated into Lithuanian.

73. Lithuania welcomed the involvement of impartial human rights experts in the preventive diplomacy programme, and commended the Latvian and Estonian requests for fact-finding missions from the United Nations and CSCE to evaluate their human rights situations. The Secretary-General had released to Latvia a summary of the report submitted by the Director of the Centre for Human Rights following his fact-finding mission to Latvia from 27 to 30 October 1992 to investigate alleged discriminatory practices against minorities. The Director's conclusions and recommendations did not reveal gross violations of human rights and fundamental freedoms as charged by the Russian Federation. That very day, 1 December, the Prime Minister of Estonia had requested the United Nations to send a fact-finding mission to his country. Such missions could set the record straight with respect to generalized accusations, whether they were politically motivated or based on

(Ms. Damušis, Lithuania)

faulty information, and could therefore play an important role in preventive diplomacy and conflict resolution where massive human rights violations actually occurred.

74. Lithuania looked forward to implementing its short and long-term human rights objectives in partnership with United Nations mechanisms and the Member States of the United Nations.

75. Mr. Dékány (Hungary), Vice-Chairman, took the Chair.

76. Mr. PEREIRA (Cape Verde) said that respect for and promotion of human rights was one of the fundamental objectives of Cape Verde's foreign policy; it was incumbent on all Governments to implement fully the norms and instruments adopted by the United Nations on the subject.

77. His delegation deplored the fact that, despite progress achieved since the adoption of the Universal Declaration of Human Rights, major violations such as torture, ethnic cleansing and arbitrary arrest were still being practised in many countries, as was evidenced by the reports of the Commission on Human Rights and of non-governmental organizations such as Amnesty International.

78. The upsurge of violence against minorities and migrant workers in certain European countries was of major concern to his country, many of whose population were living and working abroad. The Governments of the countries concerned should be more forceful in implementing policies and measures designed to combat such violence. The United Nations, and, in particular, the Third Committee should play a more active role in that context.

79. The World Conference on Human Rights and the celebration of the International Year of the World's Indigenous Peoples would be major events in the year 1993. His delegation hoped that the Conference would constitute a landmark in fostering the cause of human rights and overcoming ideological, geographical and political barriers. In conclusion, he commended the Moroccan delegation chairing the Preparatory Committee for the Conference for proposing an agenda based on the principles and objectives set forth in General Assembly resolution 45/155.

80. Mr. Krenkel (Austria) resumed the Chair.

RIGHTS OF REPLY

81. Mr. BURCUOGLU (Turkey), replying to the statement made by the Deputy Permanent Representative of the United Kingdom on behalf of the European Community and its member States on 24 November 1992, said that he wished to elucidate several points. As a democratic country, Turkey considered that the encouragement of respect of human rights was a subject of legitimate interest for the international community and consequently took constructive criticism

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(Mr. Burcuoglu, Turkey)

proffered in good faith very seriously. Despite the considerable advances it had accomplished, Turkey was aware of its shortcomings and was making resolute and sustained efforts to overcome them. It was continually revising its laws and practices so as to prevent violations, eliminate abuses and guarantee the greatest measure of enjoyment of human rights to all. Amendments to the code of criminal procedure designed to ensure democratization and transparency of institutions had been adopted by Parliament on 18 November 1992 and had entered into force on 30 November.

82. The United Kingdom representative had criticized 39 countries, including Turkey, and in connection with that country had referred to observations of the Committee against Torture and to the situation in Turkish police stations. Turkey was a party to all European instruments and monitoring mechanisms designed to protect human rights, and in particular to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had only 70 States parties. Two of the member States of the European Community were not parties to the Convention. Of those 70 States parties, only 28 had made declarations under articles 21 and 22 of the Convention relating, respectively, to claims brought by States against other States and to complaints by individuals. Of the ten member States of the European Community which were parties to the Convention, one had not made any declaration and the other had only made a declaration under article 21. Turkey, which numbered among the 28 States having made declarations under both articles, deserved to be encouraged and commended rather than blamed. Turkey was steadily progressing towards the elimination of the odious practice of torture, which its laws categorically condemned. It therefore considered the European Community's criticisms as misplaced and invalid.

83. In the field of human rights, perfection was not to be found in any country and violations were liable to occur anywhere. Because of that reality, all criticism had to be accompanied by self-criticism, as the United States representative had aptly remarked in his statement on 24 November. Those who took it upon themselves to hand out bad marks to 39 countries should also have the courage to be critical of themselves, if only for the sake of sincerity, good faith, intellectual honesty and credibility, quite apart from the fact that such self-criticism on the part of the Twelve would be more than justified.

84. At the forty-fourth session of the Subcommission on Prevention of Discrimination and Protection of Minorities, held at Geneva on 3 to 28 August 1992, a member State of the European Community had been named under the confidential procedure for communications relating to human rights violations, known as the 1503 procedure. That State member of the Community had therefore been placed under United Nations supervision. It would seem that Community solidarity and discriminatory and selective tradition did not allow the Presidency of the Community to criticize one of its own.

85. Turkey, a country where pluralist democracy was in operation with all its institutions, where the political will of the people was freely expressed, a

(Mr. Burcuoglu, Turkey)

country that was advancing the field of human rights, that was resolved to continue on that course and that served as an example to many others, did not deserve such accusations. What mattered first and foremost in human rights was to encourage and strengthen democracy; pluralist democracy, together with the principle of free, fair and periodic elections, was the best guarantee of respect of human rights as well as the framework most propitious to their implementation.

86. In conclusion, he appealed to the member States of the European Community which were not a party to the United Nations Convention against Torture to ratify it and to those which had not made declarations under articles 21 and 22 of the Convention to do so.

87. Mr. MOHAMMED HUSSIN (Iraq) regretted that Finland had deemed it appropriate to accuse his country of oppressing Shiites without really knowing much about the situation within Iraqi society, thus supporting the political campaigns being waged against his country. It was obvious at a glance that all the allegations made were false and that there was no discrimination whatever between Shiites, Sunnites or Christians in terms of social relations or at the State level.

88. Anyone acquainted with the Iraqi delegation knew that it was made up of individuals who came from all parts of the country and belonged to different religions and groupings. If certain States were so exercised by the fate of the Shiites, why had they not reacted when Israel had attacked South Lebanon? Might it be that the area was of no strategic or vital interest to them? What they wanted was to divide Iraq in order to gain control over its oil resources and then to apply the same method to other countries of the region.

89. As to the proposal to set up a supervisory body, it was a weapon directed against Iraq, which, if accepted as a result of political pressure exercised by certain States, would establish a precedent that could be invoked selectively against other Third World countries. Similar methods had been applied to other developing countries, human rights being used as a pretext to achieve political ends which had nothing to do with love of mankind.

90. All attempts to undermine the sovereignty of States had to be opposed, and each country had to discharge its responsibility of protecting its population, its society and its values.

91. The CHAIRMAN announced that the Committee would hold a meeting on the morning of 9 December (informal meeting followed by an official meeting) to consider the programme of work of the Committee and to hear the results of the collection of funds organized by the Third Committee. The cheque would be handed to the officials responsible for Somalia and for disabled persons.

The meeting rose at 5.25 p.m.

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

THIRD COMMITTEE
53rd meeting
held on
Wednesday, 2 December 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. KRENKEL (Austria)

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* Items considered together.

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (*continued*)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (*continued*) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501-504, 552, 626, 630, 668, 701 and 702; A/C.3/47/L.49)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (*continued*) (A/47/247; A/C.3/47/9)

1. Mr. LADSOUS (France) said that his delegation fully supported the statement made by the representative of the United Kingdom on behalf of the European Community on item 97 (b) and (c).

2. With regard to the situation in the former Yugoslavia, the reports submitted by the Special Rapporteur of the Commission on Human Rights (A/47/418-S/24516, A/47/635-S/24766 and A/47/666-S/24809) and the information provided by the Commission of Experts established under Security Council resolution 780 (1992) showed that measures were deliberately being carried out in the territory to implement a policy of ethnic cleansing, of which Muslims were the first victims and Serbian groups the main perpetrators. It was therefore essential to strengthen investigation and monitoring in order to gather information which, coupled with the principle of personal responsibility for crimes committed would provide a strong deterrent against human rights violations. The Special Rapporteur had a major role to play in that field and the General Assembly should support his recommendation to establish, in the former Yugoslavia, a standing network of human rights observers and should allocate specific funds to the Centre for Human Rights for that purpose.

3. At its forty-eighth session, the Commission on Human Rights had considered the establishment of an emergency mechanism to react to acute situations arising from gross violations of human rights. His delegation hoped that the Commission would resume consideration of that subject at its next session. That and other developments demonstrated that the Organization was seeking to enhance its capacity to deal with human rights violations, particularly those that constituted threats to international peace and security. While aware of the complex and sensitive nature of that question, his delegation was sure that the United Nations was moving in the right direction.

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(Mr. Ladsous, France)

4. Development must be viewed as a global economic, social, cultural and political process aimed at ensuring the welfare of the individual. In that connection, he stressed that human rights should not be confused with civil and political rights, which were a component, albeit an essential one, of the former. Democracy was the best system for promoting and protecting individual and collective rights and was also essential for achieving lasting economic and social development.

5. It was therefore gratifying to note that the Secretary-General had received more than 30 requests from Governments for electoral assistance. The United Nations was being called upon to play a new role in that regard and needed to be able to respond speedily to such requests. However, action by the United Nations in that delicate field must be based on decisions by its competent bodies; such decisions could not be left to United Nations officials, however competent. In view of the growing number of requests for assistance, consideration should be given to financing such operations through the regular budget.

6. Recent events had also demonstrated that the holding of elections did not necessarily involve the establishment of a democratic climate. In addition to its traditional electoral assistance and clarification missions, the United Nations should first of all endeavour to establish a true culture of democracy in the countries concerned. The programme of advisory services and technical assistance of the Centre for Human Rights would be an ideal instrument for that purpose since there were numerous fields, including the drafting of legal texts, training and education, where it could conduct activities. Consideration should be given to ways of enhancing the Centre's advisory capability by giving it access to the human and financial resources of the Organization's operational programmes for development, particularly those of UNDP. There was also a need to increase the resources allocated to the Centre.

7. The 1993 World Conference on Human Rights should focus on strengthening cooperation to promote a universal culture of human rights. The adoption by consensus of an agenda for the Conference would enhance the basis for the discussions on the final document and ensure further progress in the implementation of all human rights.

8. France stressed the importance of the adoption at the current session of the General Assembly of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (A/47/501) and the draft declaration on the protection of all persons from enforced disappearance (A/47/434). The United Nations could no longer ignore the fact that the mass disappearances were a form of political repression that combined the more serious human rights violations: torture, summary execution and arbitrary detention. His delegation welcomed the enormous contribution made in that connection by the Working Group on Detention, the Subcommission on Prevention of Discrimination and Protection of Minorities and non-governmental organizations.

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9. Mr. FSADNI (Malta) said that his delegation welcomed the appointment by the Secretary-General of a focal point for electoral assistance activities and the creation of the Electoral Assistance Unit in the Department of Political Affairs (A/47/668, paras. 9 and 10). The experience gained by the United Nations in providing electoral assistance would enable it to develop further the guidelines for involvement in that field. Consideration should be given to possible cooperation between the Unit and the Conference on Security and Cooperation in Europe (CSCE). Free and fair elections were essential to the democratic process and protection of human rights. Malta reaffirmed its support for United Nations efforts to enhance the effectiveness of the principle of periodic and genuine elections and had extended its full support for the monitoring of elections in countries of the Commonwealth of Independent States in order to promote fundamental democratic values.

10. His delegation took note of the Secretary-General's report on regional arrangements for the promotion and protection of human rights (A/47/502) and welcomed the increased cooperation between the United Nations and regional bodies and commissions. In 1987, Malta had made the European Convention for the Protection of Human Rights and Fundamental Freedoms and its first Protocol an integral part of its legislation, thus giving its citizens further protection under the law. As a State participating in CSCE, Malta had sponsored a number of proposals in the field of human rights relating, inter alia, to national minorities, migrant workers and abolition of the death penalty.

11. The importance of the forthcoming World Conference on Human Rights could not be overstated. In order to promote efforts to reach a consensus on a provisional agenda for the Conference, his country had become a sponsor of draft resolution A/C.3/47/L.18. Failure to reach consensus at that late stage could seriously jeopardize the successful outcome of the Conference. After assessing progress made since the adoption of the Universal Declaration of Human Rights, the Conference should focus primarily on improving the implementation of existing human rights instruments. Moreover, in view of the important role played by the Centre for Human Rights and its greatly increased workload, his delegation called upon the Secretary-General to ensure that sufficient resources were provided to the Centre.

12. He appreciated the international community's condemnation of the massive and systematic violation of human rights in Bosnia and Herzegovina as well as the efforts by the United Nations, CSCE and the European Community to resolve that complex situation. In that regard, the Governments of Malta and Slovenia had made a joint proposal for the holding of a meeting of the CSCE Council of Ministers in Sarajevo itself. Such a meeting would demonstrate the international community's concern about the problem and help focus attention on it in order to find a solution.

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13. Mrs. CASTRO de BARISH (Costa Rica) said that the implementation of the international human rights instruments was essential for the protection and promotion of human rights. In view of the continued grave and massive violations of human rights in various parts of the world, there was a need to continue to seek alternative approaches to ensuring enjoyment of human rights. Costa Rica had supported the adoption of new legal instruments and had submitted a draft additional optional protocol to the Convention against Torture, which had been accepted by the Commission on Human Rights as a basis for discussion. Her country had also offered to host the regional preparatory meeting for Latin America and the Caribbean, for the 1993 World Conference on Human Rights. Costa Rica had joined the sponsors of draft resolution A/C.3/47/L.18, which contained in an annex a draft provisional agenda for the Conference.

14. It was gratifying to note the increase in the number of States parties to the Convention on the Rights of the Child. Her delegation supported the initiative by Sweden concerning the periodicity and duration of the sessions of the Committee on the Rights of the Child and felt that, in view of the importance of the Convention, the membership of the Committee should be expanded from 10 to 18 to enable it to carry out its work more effectively.

15. She noted with satisfaction the adoption by consensus of draft resolution A/C.3/47/L.20/Rev.1, entitled "Report of the Secretary-General concerning a request to the United Nations to observe the referendum in Eritrea". Costa Rica welcomed the request by the Eritrean authorities, which should enable the people there to express their free and sovereign will. That demonstrated the important role of the United Nations in promoting the democratic process where necessary.

16. The establishment of an office of the United Nations high commissioner for human rights, as proposed many years earlier by her Government, was still being considered by the Commission on Human Rights. By virtue of its nature and permanent status, such a mechanism would be able to work more speedily than the special rapporteurs appointed by the Commission, and would also embody safeguards protecting State sovereignty.

17. The strongest argument in favour of establishing a high commissioner for human rights was the successful work of the Office of the High Commissioner for Refugees (UNHCR). His delegation was convinced that a high commissioner for human rights could play a similar role to UNHCR in the cases of human rights situations calling for urgent action. Under the current system, United Nations bodies dealing with human rights were not mandated to meet on short notice and were thus unable to respond in cases of emergency.

18. At the same time, the situation showed some signs of improving. The crisis in the former Yugoslavia had prompted the first special session of the Commission on Human Rights, held in August 1992. Moreover, while the Security Council generally did not address itself directly to human rights issues, it had recently taken steps in situations calling for immediate action to alleviate human suffering.

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(Mrs. Castro de Barish, Costa Rica)

19. Her Government wished to pay tribute to the special rapporteurs and representatives appointed by the Commission on Human Rights. Those individuals, often working against great odds, produced their well-documented and comprehensive human rights reports year after year. Her delegation called on the States concerned to cooperate in that effort.

20. Mr. OSVALD (Sweden) said that important advances had been made in ensuring respect for human rights worldwide. The United Nations had contributed substantially by elaborating a set of fundamental norms and establishing supervisory mechanisms to oversee their implementation. At the same time, serious violations of human rights persisted in many parts of the world and had to be addressed. In that connection, his delegation stressed its appreciation for the difficult work carried out by the special rapporteurs and representatives in the field of human rights. Many delegations would prefer to eliminate the reports on human rights situations in specific countries, claiming that such reports were biased or incomplete. While that might be the case to some extent, the reports nevertheless served a necessary function and called attention to particularly gross or systematic violations of human rights.

21. He reviewed the rights set forth in the Universal Declaration of Human Rights, which served as the yardstick against which each country's performance should be measured. His delegation believed that a country was neither pretentious nor self-righteous in drawing attention to human rights violations elsewhere as long as it acknowledged its own shortcomings in that area.

22. Some took the view that the international community should not concern itself with the human rights situations of individual States. His country disagreed strongly and could refute one by one the arguments that had been put forth to support such a view. First, the claim that reports by special rapporteurs or representatives contained mainly lies and unfounded allegations was unreasonable as it was well known that reports were based on careful review of information from a wide range of sources. Secondly, those supporting that view claimed that quiet diplomacy and friendly persuasion were more effective than individual country reports. However, there was scant evidence to support that argument; in fact, in most cases, it had been multilateral action or public opinion which had led to the desired results. Thirdly, it had been said that the right to economic development should prevail over civil and political rights. In the view of his delegation, the protection and promotion of one category of rights did not exempt States from the protection and promotion of other categories of rights. Fourthly, it was claimed that special rapporteurs and representatives examined the situation in only a limited number of countries. While his delegation was concerned about the problem of selectivity, it did not believe that the solution laid in eliminating all individual country reports. A more promising approach would be to carry out a more thorough examination of human rights situations. Fifthly, some States advocated respect for a nation's cultural, social and other particularities in implementing human rights. In his delegation's view,

(Mr. Osvald, Sweden)

that was by far the most disturbing argument because it undermined and rendered superfluous the very notion of universality, which was the basis of the effort to protect and promote respect for human rights.

23. Respect for human rights and fundamental freedoms was the indispensable condition for building a humane, peaceful and secure world. The forthcoming World Conference on Human Rights would provide an opportunity to plan for more efficient monitoring mechanisms and other actions which would strengthen universal respect for human rights.

24. Mr. MARUYAMA (Japan) said that a successful World Conference on Human Rights was of great importance to United Nations human rights activities. It was therefore regrettable that the Preparatory Committee had failed to reach a consensus regarding the Conference agenda. Draft resolution A/C.3/47/L.18 could break that impasse: while not perfect, it provided a realistic approach and could help move the preparations forward. Adoption of the draft resolution in no way implied that a State would be prohibited from discussing any particular matter at the Conference.

25. His Government was pleased to note that the General Assembly had approved an increase in the 1992-1993 regular budget of the Centre for Human Rights and had approved certain redeployments and additional posts. However, the Centre must make the best use of its available resources. One of its most valuable services was to promote public awareness of human rights and it should continue to cooperate closely with the Department of Public Information to that end. However, materials were often issued too late to be of value. The Centre should accordingly strive to speed up publication of materials for the International Year for the World's Indigenous People, for which opening ceremonies would take place the following week. His country would continue to make substantial contributions to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

26. Human rights were increasingly linked to other issues of concern to the international community. Close cooperation between the various parts of the United Nations system was more important than ever and, in that connection, further consideration should be given to the proposed human rights monitoring team. There was a particularly close relationship between human rights and mass exoduses; countries were also paying more attention to the connection between human rights and development. Japan had drawn up a charter on official development assistance which stipulated, inter alia, that in making decisions regarding the initiation or continuation of such assistance, due regard must be given to efforts to promote human rights and democracy in the country concerned.

27. His country firmly believed that human rights were universal and that it was the duty of every State, regardless of its cultural traditions and its economic and political system, to protect and promote those rights. There were simply no circumstances under which it was justifiable to disregard human rights.

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(Mr. Maruyama, Japan)

28. Respect for human rights was most effectively promoted through the United Nations system of fact-finding and monitoring, which could only function effectively with the cooperation of the States concerned. In investigating human rights situations, it was important not to lose sight of the main objective, which was to identify and curb violations of human rights rather than to isolate or antagonize States.

29. His Government was concerned about allegations of violations of human rights in several countries. It endorsed the objective of achieving democracy and respect for human rights in Myanmar and noted with interest from document A/47/651 that, according to the Special Rapporteur of the Commission on Human Rights, a number of important developments had occurred since April 1992 which might affect the situation of human rights in that country. It called on the Government of Myanmar to take further steps to improve the situation with a view to moving towards democracy, and hoped that the Government would cooperate fully with the Special Rapporteur as he conducted his independent examination of the situation.

30. Japan was concerned that there was apparently little or no improvement in the human rights situation in a number of countries: the situation in Afghanistan had not yet improved, despite the collapse of the former political regime; Cuba had refused to cooperate with the Special Rapporteur's request to visit that country; political repression was still rampant in Haiti; massive violations of human rights were taking place in Iraq, particularly the rights of the Kurdish and Shiite populations; and Iran had apparently refused to cooperate with the Special Rapporteur assigned to that country. While there had been some progress in South Africa and El Salvador, those countries were far from the goal of full respect for human rights. His delegation strongly condemned the continued violations of human rights, in particular the heinous policy of ethnic cleansing, in the former Yugoslavia. It had accordingly supported the convening of the first special session of the Commission on Human Rights, held in August 1992.

31. Mr. MONTAÑO (Mexico) said that the international community must continue to give priority, over any other consideration, to humanitarian principles and to creating the conditions for full enjoyment of human rights. In that context, his delegation reaffirmed the indivisibility of economic, social and cultural rights and civil and political rights.

32. Implementation of the right to development must not be deferred; progress towards peace must be reflected in the area of international economic relations. Advances thus far in ensuring respect for human rights might be jeopardized if the current international economic situation continued; addressing that issue called for the firm commitment of the international community. His delegation believed that full enjoyment of the right to development was essential to achieving economic and social welfare. It was time for States to recognize that differences in economic development were responsible for the mass exoduses of workers and to take action by becoming

(Mr. Montaño, Mexico)

party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which thus far had only two signatories.

33. His delegation had already expressed its dissatisfaction with the selective approach involved in investigating human rights violations, where political interests were mixed with objective concerns. Such an approach was contrary to the principle of universality, which was essential to promoting and protecting human rights. Selectivity was also dangerous because it diverted attention from the current new threats to human rights manifested in the resurgence of racism, xenophobia and ethnic rivalry in various parts of the world.

34. It was only through international cooperation that advances could be achieved in the field of human rights, not through confrontation and political sanctions. Such cooperation must give due regard to national efforts and the internal jurisdiction of States. The World Conference on Human Rights would provide an opportunity to reaffirm the spirit of equity and objectivity which had informed early human rights efforts.

35. His country was committed, legally and in practice, to ensuring full respect for human rights. Accordingly, it continued to participate actively in international human rights forums; was party to the principal human rights instruments and fulfilled its obligations under those instruments. Included in its first periodic report to the Committee against Torture was information on the federal law of 1991 to prevent and punish acts of torture; various amendments to his country's penal code and code of penal procedure; results of the programme against immunity; and action taken against public officials found guilty of acts of torture.

36. With a view to improving the administration of justice, his Government had recently set up a citizen's committee, composed of members of political parties. The committee's responsibilities included monitoring the activities of the Office of the Attorney-General and of public officials; making recommendations with regard to the penal system; and ensuring justice for indigenous peoples.

37. Ms. KALNIETE (Latvia) said that her country was deeply concerned about the armed conflicts in the former Yugoslavia and areas of the former Soviet Union and commended the United Nations and other international organizations for their efforts to find solutions.

38. With particular reference to item 149, she said that the report of the fact-finding mission invited to her country to investigate alleged discriminatory practices against minorities would provide an objective appraisal of the human rights situation in Latvia. She encouraged other States which had been the subject of similar allegations to request such fact-finding missions. Her Government was perplexed by the Russian Federation's

(Ms. Kalniete, Latvia)

decision to raise allegations of mass violations of human rights (A/47/247, annex), without demonstrating any factual support for such allegations. In fact, the report of the mission, which was being reproduced as a United Nations document, revealed no gross or systematic violations of human rights in her country.

39. The restoration of the de jure independence of the Republic of Latvia had been followed by a decision of the Supreme Council to ratify a series of a large number of international human rights instruments, including the Universal Declaration of Human Rights and the International Covenants on Human Rights. Her Government was committed to the restoration of all those rights which had existed in Latvia prior to the Soviet invasion of 1940.

40. In order to facilitate the re-establishment of statehood, her country was registering all residents or their descendants recognized as citizens by the Constitution of 1922 and the 1919 and 1927 laws governing citizenship. Other persons residing in Latvia were also being legally registered and would be entitled to permanent residence until they chose to become naturalized citizens. Her country recognized the inherent legal right of all its stateless residents to choose any foreign citizenship they found appropriate; between 93 and 99 per cent of residents would be candidates for citizenship, depending on the residency requirements to be decided by the law on naturalization currently being drafted.

41. Since the beginning of the century, her country's indigenous population had dramatically decreased as a result of the Stalin purges, repression following the 1940 Soviet occupation and, in percentage, through migration to Latvia of other nationalities. In order to eliminate the vestiges of five decades of Soviet occupation and settlement, her country reserved the right to implement a policy of affirmative action, by granting advantages to its indigenous population. Such a policy would not affect the human rights of stateless residents, as both citizens and non-citizens enjoyed freedom of travel, speech, assembly, religious worship and choice of residence. Citizens and permanent residents alike were guaranteed the right to choose their occupation and to receive pensions, unemployment benefits, health care and housing.

42. The question of the status of former Soviet military forces and their families and of safeguarding their legal and social rights was a subject of bilateral negotiations. Her country was prepared to honour commitments which did not threaten its sovereignty and security and which were consistent with international law. The problem of retired military persons residing in Latvia was a different issue. Many of those individuals considered that their primary task was to resist official policies of the Government, which, in turn, had an obligation to protect its citizens and loyal residents against the actions of hostile forces by not permitting them to acquire certain political rights. None the less, all residents were guaranteed the same social protections.

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(Ms. Kalniete, Latvia)

43. Legislation had been enacted to restore the Latvian language to its former position. May 1992 had marked the end of the three-year period set to learn the official State language and the beginning of testing the language skills of non-Latvian speakers working in State institutions and enterprises. Not a single complaint had been lodged regarding discrimination on the basis of an unlawful application of the State language law.

44. The situation of national minorities and ethnic groups in the Russian Federation presented a sharp contrast to the cultural autonomy rights granted to Russians and other national minority groups in Latvia. Though there were 210,000 Latvians residing in the Russian Federation, there was not a single Latvian school, newspaper or regular radio programme.

45. In the two short years since the restoration of her country's independence, much had been accomplished to enhance the rebirth of minorities and ethnic groups. Education was available in several languages and there were numerous cultural societies. Censorship had been abolished and laws had been passed guaranteeing freedom of the press and the right of each person to receive and impart accurate information.

46. As in any other State in transition to an economy based on private initiative and ownership, economic and social difficulties tended to create a high degree of social volatility in her country. Economic difficulties were being addressed by the Government in conjunction with the International Monetary Fund, the World Bank and several other international bodies. Her country was striving to create, through law, a just and democratic State in which all residents, citizens and non-citizens were guaranteed the fundamental freedoms enshrined in the Universal Declaration of Human Rights, a fact which served as a basis for hope in the future.

47. Mr. LI Daoyu (China) said that in order for the 1993 World Conference on Human Rights to be a success, it should reflect the reality of international human rights activities and pay special attention to the concerns of the densely populated developing countries. Priority should be given to addressing the gross violations of human rights resulting from racism, apartheid, colonialism and foreign aggression and to finding more effective ways to terminate such acts and support peoples in their struggle for self-determination. The Conference should introduce effective measures for the realization of the right to development, ensure the universality and impartiality of human rights, and reiterate the principles of State sovereignty and respect for the right of all countries to choose their path to development. The Conference should also enhance international cooperation based strictly on the principles of the United Nations Charter and on mutual respect and equal exchange.

48. If the international community genuinely cared about the human rights situation in developing countries, then it should help to reduce their external debt burden, provide them with unconditional assistance and create a

(Mr. Li Daoyu, China)

better international environment for their survival and development. In too many cases, human rights were artificially politicized and used as a tool to pursue a certain ideology. His Government continued to support the United Nations in its efforts for universal promotion of human rights and fundamental freedoms and was committed to the World Conference on Human Rights. It also favoured increasing financial support to the least developed countries to ensure universal participation in the Conference.

49. Mr. LOPEZ OSPINA (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, by virtue of its mandate, UNESCO was closely involved in the promotion and protection of human rights, including the right of all to education, the right to participate in cultural life and scientific progress, and freedom of information. Most human rights concerns were reflected in its activities and programmes.

50. UNESCO also directly promoted human rights through its programmes of human rights research, training, publications and education, the latter being a particular priority. The ultimate goal was to establish a comprehensive system of human rights teaching and education for all individuals and groups at all levels of formal and non-formal education. In cooperation with a wide range of international partners, UNESCO prepared teaching materials and curricula, organized training and supported educational activities. It had created a prize for the teaching of human rights to encourage efforts in that area. A substantial contribution to human rights teaching in schools was made by the UNESCO Associated Schools Project, a network of educational institutions in 102 countries committed to the development of international education. The scheme was now being supplemented by a network of UNESCO Chairs on peace and human rights, catering for the university sector. It was currently engaged, in conjunction with the Centre for Human Rights, in organizing an international conference on human rights teaching and education, to be held in Canada in 1993. The conference was a follow-up to previous international congresses convened by UNESCO and was a preparatory step for the World Conference on Human Rights.

51. UNESCO had established its own procedure for the examination of alleged human rights violations within its spheres of competence. The procedure, which was confidential, had led to the release of a number of intellectuals, writers, journalists and human rights defenders, or to the lifting of the restrictions placed on them. The Director-General of UNESCO intervened publicly when human rights in UNESCO's fields of competence were violated or jeopardized.

52. Another area in which UNESCO contributed to the development of human rights was that of academic freedoms. It was concerned not only with such issues as the professional status of teachers and scientists, as in the past, but also with the rights and freedoms of members of the academic community, freedom of scientific research, the right to teach, freedom of intellectual

(Mr. Lopez Ospina, UNESCO)

cooperation and the special responsibilities of scientists. A further contribution was its study of the impact of scientific and technological progress on human rights, including the study of bioethics.

53. A crucial area of reflection concerned the links between human rights and democracy. Only a genuine democracy could guarantee the full implementation of human rights. Democracy was not merely a political system, but rested on cultural foundations, including patterns of knowledge acquisition and exchange, attitudes and values. Those cultural dimensions of democracy merited serious study, a process which UNESCO had initiated with the holding of two conferences since 1990. One theme to emerge strongly from those meetings was that only democracy could provide the framework within which minority cultures could find full expression, intercultural dialogue could effectively take place and tolerance could flourish. That idea was central, *inter alia*, to the activities of UNESCO's Amerindian programme. The process of reflection on the cultural context of human rights would be continued at a number of meetings and in numerous research projects in 1992-1993. Research and education on human rights must be supplemented by research and education on democratic practice, so that all citizens were able and willing to participate actively in the political, social, economic and cultural life of society and in the decision-making process.

54. Drawing attention to document A/47/445, he said that the initiative of the General Conference of UNESCO in proposing that 1995 should be declared United Nations year for tolerance had been prompted by Member States' deep concern about the emergence of new manifestations of intolerance - with the rise of various forms of fundamentalism and nationalism, racial and ethnic prejudice and the resurgence of anti-semitism - and the desire to sensitize public opinion to problems of exclusion and to promote tolerance and mutual understanding. The time had come for the international community to support the initiative of the General Conference.

Draft decision A/C.3/47/L.45, on the award of human rights prizes in 1993

55. The CHAIRMAN introduced the draft decision, which was submitted by the Chairman.

Draft resolution A/C.3/47/L.49, on the right to development

56. The CHAIRMAN noted that Peru had been omitted from the list of sponsors.

57. Mrs. SYAHRUDDIN (Indonesia), speaking on behalf of the original sponsors and Austria, Côte d'Ivoire, Uruguay and Chile, introduced the draft resolution. It dealt with a subject of crucial importance, especially for developing countries, and was in many ways similar to previous resolutions which had been adopted by consensus; she hoped that that would be the case again and that additional sponsors would be forthcoming.

Draft resolution A/C.3/47/L.52, on the situation of human rights in Estonia and Latvia

58. The CHAIRMAN, introducing the draft resolution, which was submitted by the Chairman, said that the text was the result of negotiations among the parties concerned and that he looked forward to its adoption.

Draft resolution A/C.3/47/L.53, on the United Nations year for tolerance

59. Mr. BURCUOGLU (Turkey), speaking on behalf of the original sponsors and Egypt, introduced the draft resolution. He said that UNESCO had taken the initiative in proposing the celebration of the year in 1995, which also marked that Organization's fiftieth anniversary. The draft had been submitted pursuant to resolution 5.6 of the General Conference of UNESCO and Economic and Social Council decision 1992/267, as was reported in the relevant note by the Secretary-General (A/47/445). The need for more vigorous action to promote mutual understanding and attitudes of tolerance had become necessary as a result of recent world developments. The draft resolution took account of the necessary procedures and guidelines concerning international years. If a year for tolerance was proclaimed, UNESCO would take the lead in preparing for and observing it. A favourable decision by the General Assembly at its forty-eighth session, would have no budgetary implications for the United Nations. The sponsors trusted that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/47/L.54 on regional arrangements for the promotion and protection of human rights

60. Ms. FOSTIER (Belgium), speaking on behalf of the original sponsors and Costa Rica, Côte d'Ivoire, Cyprus, Honduras and Thailand, introduced the draft resolution, which reflected the interest of the United Nations in the advancement of human rights at the regional level. The purpose of the draft resolution was to stress the importance of closer cooperation between the United Nations and regional mechanisms, whose activities should be mutually reinforcing. The sponsors hoped that, as in the past, the draft resolution would be adopted without a vote.

Draft resolution A/C.3/47/L.55, on the plight of street children

61. Mr. TISSOT (United Kingdom) introduced the draft resolution on behalf of the original sponsors and Costa Rica, Côte d'Ivoire, Malawi and the Marshall Islands. He drew attention to an error in paragraph 11, in which the word "consider" should read "reconsider". The question of street children was a serious problem which deserved special attention. There were now an estimated 13 million such children, and their numbers were growing. Virtually every country was affected and the sponsors had decided that a general resolution, which did not specify any particular situation, would be a valuable contribution to raising awareness of the problem. The draft resolution was designed to show the outside world that the United Nations believed in the

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full enjoyment of human rights for all sectors of society. The text had received wide support. Certain suggested additions had not been accepted because they would have altered the main thrust of the resolution which was to draw attention to the plight of street children worldwide and urge respect for the human rights of those children in particular, whose rights were often violated or ignored and who lived as homeless outcasts. Consultations on the text were continuing, and the sponsors hoped that it would be adopted by consensus.

Draft resolution A/C.3/47/L.56, on the strengthening of the Centre for Human Rights

62. Ms. HADJI (Greece), speaking on behalf of the original sponsors and Togo and Grenada, introduced draft resolution. She said that it was the Committee's responsibility to ensure that the mandate of the Centre for Human Rights was carried out in full, on time, effectively and efficiently, in accordance with the priority accorded to human rights in the Charter and in response to the high expectations of the international community in the field of human rights. The Centre faced a critical situation. Its workload had increased dramatically in the previous decade, while its staff and resources had been reduced, leaving it with a backlog of cases and requests from Governments and impairing the quality of its services. The Secretary-General was commended for his efforts to improve the financial situation of the Centre, as reported in document A/47/702, but many of the measures taken so far were of a temporary nature, and the resources of the Centre were still grossly inadequate and its situation remained precarious. The sponsors pledged their support for the Centre's new leadership, but considered that the Committee must continue to voice its concern until the necessary measures were taken to ensure that the Centre received the staff and resources it needed to fulfil its mandate.

The meeting rose at 1 p.m.

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

THIRD COMMITTEE
54th meeting
held on
Wednesday, 2 December 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 54th MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. KRENKEL	(Austria)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, A/47/434, A/47/445, A/47/479, A/47/501, A/47/502, A/47/503, A/47/504, A/47/552, A/47/626, A/47/630, A/47/668, and Add.1, A/47/701, A/47/702; A/C.3/47/L.49)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

1. Mr. CASTANEDA (El Salvador) recalled that the Charter of the United Nations and the International Covenant on Human Rights were inspired by "Faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". It was through those instruments that States had accepted for the first time in history to apply certain standards with respect to the treatment of their citizens and had undertaken to guarantee the inalienable rights of the individual. It was from those agreements that numerous more specific agreements were born, including those making it possible for individuals to report violations of their human rights to the United Nations. Moreover, the principles set out in those instruments had been incorporated in the national laws of a large number of countries. Unfortunately, all too often human rights were not being respected, even by States which as parties to international human rights treaties, had undertaken to cooperate under the mechanisms set up to ensure the effective enjoyment of those rights.

2. As defence of human rights was a sine qua non for development as well as international peace and security, seeing to that work rightfully called for the authority of the international community, in particular the United Nations, which had the task not only of putting an end to existing violations but also of closely monitoring situations which could give rise to new violations.

3. Given the fact that protection of human rights was both an end in itself and a precondition for peace and stability, organs set up to monitor the exercise of those rights ought to be able to take measures they deemed appropriate to the execution of their mandate without obstacles being placed in their path, so long as all political biases and selectivity were avoided.

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(Mr. Castaneda, El Salvador)

4. As the Secretary-General had said in his Agenda for peace, "we have entered a time of global transition marked by uniquely contradictory trends". Despite the emergence of a new order, peace, stability and security were threatened by a whole series of factors which were jeopardizing the effective enjoyment of human rights - racial confrontation; deterioration of the environment; increasing instances of poverty, hunger and disease; despair, injustice, and oppression; increasing numbers of refugees and displaced persons; and ethnic, religious, social or political conflict - hence the need to respect the principles of democracy at all levels and to create a "human rights culture", as the Secretary-General had said in his report on the work of the Organization. In that context, economic, financial and technical cooperation were becoming particularly important in eliminating the structural causes of conflict and the tensions that led to violations of human rights and fundamental freedoms.

5. Though including an item on the agenda of the General Assembly relating to the situation in El Salvador could be an example of selectivity and politicization of the issue, nevertheless El Salvador had always cooperated with the Commission on Human Rights and with the Commission's Independent Expert in particular.

6. By signing the Chapultepec (Mexico) Peace Agreement of 16 January 1992 which had put an end to the armed conflict, El Salvador had proven its commitment to peace and had contributed to the establishment of a climate conducive to respect for human rights. Reinforcing peace was a task to which all Salvadorians should devote themselves in a spirit of national reconciliation and in accordance with the new democratic reality. For its part the Government was doing everything it could to respect its commitments; all the measures provided for under the Agreement would be implemented in advance of the deadline of 15 December 1992.

7. The peace process implied that all parties should respect the Agreement, renounce violence and identify themselves with the democratic process. It was essential that the Frente Farabundo Martí para la Liberación Nacional (FMLN) should dismantle its military structure and become a political party like any other. As soon as the United Nations Observer Mission in El Salvador (ONUSAL) could certify that the FMLN had completely disarmed, the Supreme Electoral Tribunal could register it as a political party.

8. The setting up of institutions envisaged under the peace agreements, such as a national civilian police and a National Procurator's Office responsible for the protection of human rights, was a major step forward. His Government attached high priority to the strengthening of institutions called upon to ensure respect of all human rights, and was grateful to the countries which provided it with assistance to that end. The reform of the judicial system was well under way and difficulties still outstanding would surely be overcome.

(Mr. Castaneda, El Salvador)

9. International assistance was essential to the successful accomplishment of the peace process and the establishment of democracy. As the Independent Expert had pointed out, the implementation of certain agreements presupposed the availability of resources which, in the short term, could only come from international cooperation. Unfortunately, such cooperation had not reached the level that might legitimately have been expected.

10. Bearing in mind the objectives of the United Nations in the human rights field and the immensity of the task to be accomplished, his delegation welcomed the decision to hold at Vienna in 1993 a World Conference on Human Rights which would undoubtedly contribute towards those objectives' attainment.

11. Miss AL KHALID (Kuwait) said that the question of human rights was of capital importance. The value which a country attached to the human person was measured by the degree of its implementation of those rights.

12. Although the Charter of the United Nations proclaimed the promotion of human rights and fundamental freedoms as one of its essential objectives, and despite the tireless efforts of the United Nations and its specialized agencies to ensure the implementation of the relevant international instruments, it had to be recognized that many peoples were still victims of numerous violations of their rights, particularly in regions torn by armed conflict. In some parts of the world, millions of human beings continued to struggle, sometimes at the cost of their lives, against oppression, occupation, exploitation and discriminatory measures of all kinds.

13. Her delegation was deeply distressed by the situation in Somalia, where millions of people were in danger of starving to death and where the fate of an entire nation was being decided by a handful of individuals. It also deplored the tragic situation of the Palestinian people suffering under the occupier's yoke, as well as that of the former Yugoslavia, where the Serbian forces, and especially the proponents of the policy of ethnic cleansing, were committing atrocities against the population of Bosnia and Herzegovina. In that connection, her delegation wished to express its lively concern at the grave human rights violations to which the Muslims of the former Yugoslavia were being subjected, and welcomed the adoption by the Commission on Human Rights at Geneva on 1 December 1992 of a resolution vigorously denouncing the violations committed in the territory of the former Yugoslavia and emphasizing that the Muslims, who were the principal victims of the genocidal policy practised in that part of the world, were under threat of extermination.

14. Her delegation also looked forward with great interest to the World Conference on Human Rights scheduled to be held in 1993 and hoped that the Conference would provide the occasion to settle the problems arising in connection with the effective implementation of international human rights instruments.

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(Miss Al Khalid, Kuwait)

15. Kuwait, for its part, continued to suffer from the consequences of the cowardly Iraqi aggression. Kuwaiti prisoners of war and other Kuwaiti nationals detained in Iraq had still not been released, the Baghdad regime refusing to comply with the relevant international resolutions and, in particular, with paragraph 30 of Security Council resolution 687, by virtue of which Iraq was to extend all necessary cooperation to the International Committee of the Red Cross (ICRC) by providing lists of prisoners and detained persons, facilitating the access of ICRC to all such persons wherever located and facilitating the search for those Kuwaiti and third country nationals still unaccounted for. Iraq had failed to fulfil any of those obligations. The Iraqi authorities were preventing ICRC from visiting Kuwaiti prisoners of war and detainees under the conditions required. They were imposing restrictions upon ICRC, resorting to dilatory manoeuvres to prevent thorough inspections of prisons and detention centres, and refusing to communicate information on prisoners of war and detainees who had disappeared or died, so that it was impossible to ascertain the precise number of individuals imprisoned or detained in Iraqi territory.

16. The problem of prisoners of war, detainees and persons who had disappeared affected a very large number of Kuwaiti families. Her country had the more cause for concern about the fate of its nationals detained in Iraq as the Baghdad regime was subjecting its own people to increasingly serious human rights violations, as the Special Rapporteur in charge of investigating the situation in that country had indicated in his report submitted to the Security Council on 22 November 1992. Her delegation therefore urged the international community to exert pressure on Iraq to comply fully with all the relevant United Nations resolutions. In conclusion, she thanked ICRC for its efforts and said that her Government was resolved to continue its collaboration with the regional office of that body.

17. Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

18. Mr. SERGIWA (Libyan Arab Jamahiriya) said that the international community attached great importance to human rights because respect for those rights was an essential condition for the establishment of genuinely democratic political systems, for the maintenance of international peace and security and for the strengthening of cooperation among peoples. For that reason the United Nations had from its inception sought to promote respect for human rights and fundamental freedoms in its Charter and in the Universal Declaration of Human Rights. In addition, the many international human rights instruments which had been adopted had made it possible to establish a large number of norms, criteria and rules applicable in that area.

19. Despite all those efforts, the goals set were still far from being attained. Violations of human rights, on both an individual and a collective basis, had not ended; many peoples continued to live under colonialist and racist regimes; refugee flows continued to grow; and many developing countries

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(Mr. Sergiwa, Libyan Arab Jamahiriya)

faced severe economic difficulties because of deficient international economic structures and were thus prevented from exercising their inalienable right to development.

20. Although there was general recognition of those shortcomings, there was no consensus either on ways of remedying them or on the priorities to be set in respect of human rights. The Commission on Human Rights, which had been entrusted with ensuring the implementation of those rights and whose role his country appreciated greatly was unable to perform its mandate fully because of the selective policies pursued by certain States which sought to exploit the noble cause of human rights for their own ends and denounced violations only when they considered it useful to do so. It was for that reason that the special session called for by the Arab Group at Geneva, which would have been devoted to the deteriorating human rights situation in the occupied Palestinian territories, had not taken place owing to the opposition of certain Commission members.

21. His delegation stressed that if the question of human rights was to remain a strictly humanitarian one, it must be dealt with in a non-selective, neutral and objective manner and must not be used as a pretext for putting political pressure on countries in order to make them change their political, economic and social system, or to legitimize acts of interference in the internal affairs of States. In that connection, his delegation hoped that the World Conference on Human Rights, to be held in 1993, would examine the ambivalent and selective nature of certain criteria applied to human rights and would endeavour to elaborate uniform criteria to which all States could refer.

22. His country wished to stress that there could be no effective exercise of civil and political rights without the protection and promotion of economic, social and cultural rights, that the right to economic and social development was inseparable from other rights and that those fundamental principles should be duly taken into account by the World Conference on Human Rights.

23. His country had always attached great importance to the implementation of human rights, since it was convinced that respect for human dignity was the primary condition for the progress of peoples. Thus, in The Green Document on Human Rights which it had had circulated as a document of the General Assembly in 1989, it had reaffirmed a number of fundamental rights, such as, inter alia, freedom of movement and residence, the rights to work, to citizenship, to own property, to education, to housing and to health, freedom of opinion and the right to participate freely in political life. In addition, his country had taken a number of legislative steps, such as, the enactment in 1989 of a law on the strengthening of freedoms, designed to ensure the implementation of those provisions. His country had also acceded to and subsequently ratified a large number of international human rights instruments, and had created the Qaddafi International Prize for Human Rights.

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(Mr. Sergiwa, Libyan Arab Jamahiriya)

24. His country was a member of the United Nations Commission on Human Rights and participated actively in its work. It would continue to support the human rights action taken by the international community through the United Nations and its specialized organs.

25. His country nevertheless remained subject to an air embargo, established pursuant to Security Council resolution 748 (1992), which had had disastrous economic and social consequences, particularly for Libya's most vulnerable population groups, such as women, children, the disabled and the elderly. The embargo was depriving those groups of their fundamental right to decent living conditions.

26. His delegation was convinced that the United Nations, which was committed to guaranteeing the right to development of all nations, large and small, could not ignore the negative impact of that embargo on the enjoyment of the most elementary humanitarian rights and would therefore agree that those sanctions should be lifted through a Security Council resolution.

27. His delegation hoped that the text of the Declaration, contained in document A/C.3/47/7, adopted by participants in the African regional preparatory meeting for the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, preparation would be included among the official documents of the Conference. It also hoped that when they came to consider obstacles to the implementation of human rights and fundamental freedoms, participants in the World Conference on Human Rights would examine the question of the numerous individual and collective violations suffered by the peoples of Palestine, the occupied Arab territories and South Africa.

28. In conclusion, he hoped that the results of the World Conference on Human Rights would help ensure the more effective exercise of human rights and enhance the application of international human rights instruments. The United Nations Centre for Human Rights had an important role to play in that area and should be provided with the resources it needed to discharge its mandate to the full.

29. Mr. Krenkel (Austria) resumed the Chair.

30. Mr. HIDALGO BASULTO (Cuba), speaking on agenda item 97 (c) and on draft resolution A/C.3/47/L.48, which he would introduce in the course of his statement, deplored the fact that the United Nations had failed to consider human rights questions in a constructive manner on the basis of genuine international cooperation and had consequently jeopardized the outcome of the World Conference on Human Rights to be held in 1993. That failure had the same origins as the failure of the Organization's efforts in the economic, social and humanitarian fields. Taking advantage of their privileged position, certain developed countries were diverting the Organization from the goals assigned to it by the Charter, by increasingly distorting the idea of

(Mr. Hidalgo Basulto, Cuba)

international cooperation to serve selfish interests and using human rights questions as a new weapon of domination. Although they had no moral authority to do so, they had set themselves up as righters of wrongs, giving lessons to the rest of mankind, which at the same time they oppressed and accused of all manner of sins. The group of countries concerned condemned human rights violations only when they occurred in the developing countries. The line dividing the just from the rest, which used to run between East and West, now ran between North and South, between the nations which had grown rich and those which had been plundered.

31. On the pretext of ensuring respect for human rights, those countries sought to impose on the underdeveloped countries institutions and models that would foster their own hegemony, without regard for indigenous values. Whom did they think they were fooling? Everyone knew that those countries which set themselves up as judges were continually trampling fundamental freedoms underfoot. Everyone knew how adept they were at suppressing any issue - or blowing it up out of all proportion - to suit their own interests.

32. After being overshadowed for a time by the strategic concerns of the cold war, the ideologies behind which the colonialists concealed their thirst for power were now re-emerging to enslave the peoples of the South.

33. Against that background, there was every reason to fear that the World Conference on Human Rights would damage the cause it was intended to promote. The Members of the United Nations must ensure that the protection of human rights did not serve as a pretext for political manipulation totally alien to the purposes and principles of the Charter. The countries of the South were in the majority and, if they joined forces, could help the Organization to escape from the impasse to which irresponsible manoeuvring had brought it.

34. The repeated references to the question of human rights in his country showed only too well how the human rights issue could be manipulated to serve political interests, in the present case those of the United States Government. Since the 1960s, successive United States Governments had sought to create a political opposition in his country to serve as a base for imposing on the Cuban people a regime loyal to Washington. When those efforts had failed, the United States Government had decided to conceal its true intentions beneath the more dignified cloak of human rights protection. That expedient had the twin advantage of ensuring the support of the handful of allies in its pay and securing international acceptance for an immoral and illegal policy. Not content with shamefully manipulating the United Nations, the United States was prepared to go to any lengths to achieve its ends, including radio propaganda, subversion and strengthening the blockade to strangle the country's economy and isolate it politically and diplomatically. The aim of the United States was to create a situation where shortages would prompt the small group on whose support it relied to rally others to the cause in order to seize power, in a move which would benefit Washington.

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(Mr. Hidalgo Basulto, Cuba)

35. Legitimate concern for human rights could scarcely be the motive, for was it not true that American society itself deprived millions of citizens of their fundamental rights?

36. For several years the United States Government had been doing everything in its power to induce the Commission on Human Rights to examine the question of human rights in his country. In 1988 a mission from the Commission had visited Cuba at the invitation of his Government and established that the systematic human rights violations of which his country was accused were just a myth. That did not prevent the United States Government from continuing to bring pressure to bear on the Commission, despite the good will always shown by his country and which the Secretary-General had highlighted in his 1991 report to the Commission. That situation had prompted a group of Latin American non-aligned countries to submit to the Commission an impartial and balanced draft resolution genuinely seeking to promote the cause of human rights and perfectly acceptable to his Government. However, the United States had succeeded in distorting the spirit of the resolution by means of an amendment providing for the appointment of a special representative for human rights, a move which bracketed Cuba with countries such as South Africa and Israel, well known for their systematic flouting of human rights.

37. His delegation was able to show that the report submitted in 1992 by the Special Representative was riddled with errors and fabrications. Not only did it contain no evidence of systematic human rights violations, but it called into question the constitutional and legal framework democratically chosen by the Cuban people.

38. By using the report of the Special Representative as a pretext and resorting to its usual methods of blackmail, the United States managed to secure adoption of a resolution providing for a procedure even more exceptional and unwarranted than the previous one, namely, the appointment of a special rapporteur, a procedure which, as everyone knew, was applied only in cases of persistent and systematic human rights violations. The irregularity of the procedure was evidenced by the refusal of the Special Representative to undertake the functions of a special rapporteur. In the face of that unexpected obstacle, the United States had asked the Legal Counsel to provide an interpretation in keeping with its desired ends. His Government, moreover, had irrefutable evidence that the Permanent Representative of the United States to the United Nations had provided the Secretariat with a list of candidates for the post of special rapporteur approved by his Government. The goal of all the manoeuvering was to secure the adoption by the Commission and by the Economic and Social Council of a resolution whose tangible outcome was the interim report now before the Third Committee. The sole aim of that report was to provide the Bush Administration with the pretext it sought to submit a draft resolution that it had prepared in advance.

39. If it were to adopt that resolution, the General Assembly would be legitimizing the interference by the United States, in flagrant breach of the

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(Mr. Hidalgo Basulto, Cuba)

noble principles which the Organization was required to uphold, and would set a very dangerous precedent.

40. As for the interim report of the Special Rapporteur, it did no more than cite specific cases identified by organizations in the pay of the United States and failed to mention the information provided to Geneva by impartial non-governmental organizations. It made no mention, with good reason, of practices such as political assassination, enforced disappearances and torture, which had not occurred in his country since the revolution but which were still commonplace in other parts of the world. In addition, it called in question the constitutional and legal order in his country, which was a matter solely for the sovereign decision of the Cuban people.

41. The report had referred to the international climate hostile to Cuba, which had allegedly been used as an excuse for internal repression. However, it had forgotten to note that the driving force behind such hostility was the 30-year-old blockade imposed by the United States of America in flagrant violation of the fundamental rights of an entire people.

42. He reiterated that his Government was committed to cooperating, as it had always done, with the Commission on Human Rights. It was in that spirit that his delegation had submitted draft resolution A/C.3/47/L.48 entitled "Cooperation of the Government of Cuba with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission". By adopting the draft resolution, the General Assembly would render justice to Cuba and genuinely contribute to promoting the respect for human rights.

43. Mr. NASSIROV (Azerbaijan) said that the collapse of the bipolar world had led to the establishment of new States which had embarked upon policies of democracy and respect for human rights. Such was the case of Azerbaijan, which had recovered its independence a year previously following the disintegration of the Soviet Union. It had immediately become a party to international agreements on human rights and to the Convention on the Rights of the Child. Indeed, Azerbaijan was determined to carve out a place for itself in the community of democratic countries.

44. His delegation attached great importance to the World Conference on Human Rights which would provide an opportunity to define fresh objectives in that area. Progress had undoubtedly been made with regard to the protection of and respect for human rights. Monitoring mechanisms had been set up, international institutions had been established, the list of States that were parties to basic human rights instruments had become longer, the cold war had ended and the collapse of totalitarian regimes had spawned new States which were prepared to take a fresher look at old problems. On the other hand, the birth of those new States had created new situations and, in particular, friction between ethnic groups that had sparked off new hotbeds of tension and

(Mr. Nassirov, Azerbaijan)

had consequently led to massive human rights violations. Unfortunately, the United Nations had not been equal to the situation, nor had it been able to take appropriate measures to address those problems. There had therefore been an upsurge of ethnic intolerance encouraged by the fact that the aggressors had gone unpunished. The international community should have learned from bitter experience in the past in that regard that the underlying causes of such problems should be tackled before they degenerated into conflicts.

45. The first ethnic conflict in the territory of the former Soviet Union had been sparked by Armenia, which had tried to expand its territory at the expense of Azerbaijan. As a result of the apathy of the international community, a number of conflicts had broken out which had led to violations of human rights, particularly the most crucial right of all, the right to life. On the pretext of protecting the rights of the Armenian populations of Upper Karabakh where such populations lived side by side with other ethnic groups and enjoyed complete freedom, Armenia, practising a policy of ethnic cleansing, had driven out 200,000 Azerbaijanis, thus depriving them of the rights enshrined in the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities that the Third Committee was about to adopt. The fact that Armenia was a sponsor of the draft resolution containing that declaration gave some grounds for hope that Armenia would reconsider its policy and allow Azerbaijanis to return to their homes, thus putting an end to the conflict.

46. Mr. NIETO (Argentina) said that his Government was expecting a lot from the World Conference on Human Rights to be held at Vienna in 1993. That Conference would provide a good opportunity not only for assessing the action of United Nations bodies responsible for promoting and protecting human rights but also for considering the obstacles in that area and means of overcoming them. In that regard, his delegation felt that the draft agenda for the Conference before the Third Committee was a good working basis. The discussions of the Conference should be free of political considerations and take into account the fact that the serious human rights violations currently occurring in the world were sparked by ethnic, religious, economic and social problems.

47. Aware that the opportunity represented by the Vienna Conference should not be wasted as a result of a fresh round of rhetorical debates on how important certain rights were as compared to others, the Government of Argentina had been one of the first to sponsor draft resolution A/C.3/47/L.18 on the agenda of the Conference and prepared by the Moroccan delegation, which it hoped would be adopted without a vote.

48. None of the post-cold-war conflicts currently raging in the world could be considered in isolation from issues relating to democracy, human rights and sustainable development. Therefore, in order to build a solid future, efforts must be made to adopt a global approach to the analysis of current crises. Moreover, the Secretary-General had recommended such an approach in chapter VI of "An Agenda for Peace" devoted to post-conflict peace-building.

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(Mr. Nieto, Argentina)

49. As far as the electoral assistance activities of the United Nations were concerned, his delegation felt that they should be unreservedly supported and that the mechanisms established in that area should be improved. His delegation welcomed, in that regard, the creation of the Electoral Assistance Unit in accordance with General Assembly resolution 46/137 and the submission, by the Secretary-General, of his report on Enhancing the effectiveness of the principle of periodic and genuine elections (A/47/668 and Add.1) which gave the background to the question of electoral assistance and analysed in detail the activities carried out and options available to Member States in that area.

50. Providing the United Nations with machinery that could help Member States plan, organize and hold elections was an excellent means of promoting respect for the principles enshrined in the Charter. Requests by Member States for electoral assistance should be promptly addressed by the appropriate United Nations bodies, taking into account the urgency of the specific circumstances that gave rise to them. His delegation hoped that the Secretariat departments responsible for replying to requests for electoral assistance would be provided with the resources they needed to accomplish their tasks.

51. In conclusion, he underscored the importance the Argentine Government attached to the work of the Commission on Human Rights. The two draft declarations before the Third Committee, on enforced or involuntary disappearances and on minorities, were tangible proof of the importance attached by the Committee to those issues. His delegation hoped that the drafts would be adopted by the General Assembly at the current session, thereby making it possible to extend the scope of the international human rights instruments and enhance their effectiveness.

52. Mrs. MIRBAHA (Islamic Republic of Iran) said that the decision taken by the Commission on Human Rights at its forty-eighth session, in resolution 1992/67, to request the Special Representative to submit an interim report to the General Assembly at its forty-seventh session on the human rights situation in the Islamic Republic of Iran was unjustified. Although the interim report submitted by the Special Representative to the forty-eighth session of the Commission in March 1992 had concluded that there had been no appreciable progress towards improved compliance with human rights, it had not noted any deterioration in the human rights situation. Furthermore - and the Iranian delegation had already discussed the matter in the Commission on Human Rights - that conclusion was contradictory in so far as the report of the Special Representative had described marked and verifiable progress in the promotion and protection of human rights in Iran and had noted that many of the Special Representative's recommendations had been fully or partially implemented or were on the point of being so. In other words, in adopting the resolution, the States members of the Commission had allowed political considerations to prevail to the detriment of the principle of impartiality.

53. Accordingly, and in view of the misinformation campaign being waged against her country, it was necessary to present another picture of Iranian

(Mrs. Mirbaha, Islamic Republic of Iran)

institutions and politics. The Islamic Republic of Iran had been established by referendum, and its Constitution had been the subject of public debate before its adoption, also by a democratic vote. Furthermore, 15 national elections had been held in the country during the previous 14 years, even during the 8 years of war with Iraq - an achievement of which not even the oldest democracies had always been capable, given that they had occasionally dissolved their parliaments, suspended elections or declared states of emergency under identical circumstances. The Iranian press and Parliament also played an extremely active role and enjoyed total freedom to criticize government policies.

54. With regard to the the Special Representative's interim report to the General Assembly on the situation of human rights in the Islamic Republic of Iran (A/47/617), it should be specifically noted that the vast majority of executions referred to in the report concerned drug traffickers. As the Islamic Republic of Iran was located between the drug-producing and drug-consuming countries, drug trafficking had assumed major proportions and created serious economic and social problems. In order to prevent those problems from becoming catastrophic, the country was obliged to punish trafficking. Under those circumstances, the execution of drug traffickers should not be considered a violation of individual rights but rather a means of protecting the fundamental rights of the Iranian population. With regard to the few other cases in which capital punishment had been carried out, she emphasized that no one had been sentenced to death for political activities; moveover, the grounds for convictions were always outlined in the courts' verdicts. Also, the rights of the accused were observed, and convictions were only handed down after the verdict was endorsed by the Supreme Court. All accused persons, whoever they might be, were fully protected by the law from the moment of their arrest to the time of their acquittal or conviction, and failure to comply with due legal process was punished. Several bodies set up by the Iranian judiciary were in fact responsible for ensuring that the judicial system operated properly.

55. With regard to the chapter of the report on the situation of women in the Islamic Republic of Iran, she emphasized that Iranian women played an active role in the country's economic and social life and that the Iranian Government continued to do everything possible to increase the number of women in managerial positions. The literacy rate among women had increased markedly during the period 1979-1989, as evidenced by the fact that more than one third of secondary and higher education diplomas were awarded to women. Women also took an active part in national scientific, technical and educational life and were particularly numerous in the Ministry of Education and the Ministry of Health and Medical Education. Lastly, where politics were concerned, it should be noted that there were currently nine women serving in the current Iranian Parliament, in comparison with four in previous terms.

56. The Islamic Republic of Iran had complied during the past six months with the recommendations contained in the report of the Special Representative, by

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(Mrs. Mirbaha, Islamic Republic of Iran)

granting clemency to a large number of prisoners or by drastically reducing their sentences. Furthermore, the right of prisoners to counsel had been applied more vigorously and jury trials had been established for some prisoners. In addition, the Government had convened a number of seminars on human rights, including a training seminar held in August 1992 in cooperation with the United Nations Centre for Human Rights. Lastly, the Islamic Republic of Iran had submitted its second periodic report to the Human Rights Committee at its previous session and had replied to the memorandum addressed to it by the Special Representative on 25 September 1992. The fact that the Islamic Republic of Iran had, despite all difficulties, replied within such a short time was a clear indication of its desire to continue to cooperate with the Commission on Human Rights.

57. She reiterated her view that the decision of the Commission on Human Rights that the item on the situation of human rights in the Islamic Republic of Iran should again revert to the General Assembly was unjustified, since the interim report of the Special Representative to the Commission had not portrayed any deterioration in that situation.

58. Mr. ALI (Iraq), speaking in exercise of the right of reply, said that his delegation wished, in view of the allegations made against his country at the current session by the representative of Kuwait, to re-establish the facts. Iraq had formally denied, on several occasions, the existence in its territory of so-called detention centres where Kuwaiti prisoners were allegedly still being held. Such charges were directed solely against the Iraqi people. The Iraqi Government had cooperated with the International Committee of the Red Cross (ICRC) in the search for persons whom the Kuwaiti Government had declared to be missing. Iraq had no interest in keeping anyone in prison. Furthermore, Mr. Tariq Aziz had dealt fully with that question in the Security Council on 24 November 1992, and the representative of Iraq had also referred to it on 25 November in connection with the report of Mr. Van der Stoel, Special Rapporteur of the Commission on Human Rights. The Kuwaiti representative's attitude brought to mind an old Arab proverb about an ox which tried to smash a rock by butting it over and over again, only to break its horns in the end.

59. Ms. AL KHALID (Kuwait), replying to the representative of Iraq, recalled that the Iraqi Government had refused to accede to the repeated requests of ICRC to visit Iraqi prisons in order to examine the situation on its own terms; Iraq had insisted on imposing its own terms on ICRC. Kuwait had submitted to Iraq 70 individual dossiers on Kuwaiti prisoners of war, including 13 in October 1991, 14 on 12 and 13 April 1992, 37 on 16 and 26 April 1992, and 6 in May 1992. The only information which Iraq had agreed to provide concerned the first set of dossiers. With regard to the others, Iraq claimed to have no information. In fact, Iraq had confined itself to handing persons over to ICRC as part of a family regroupment operation. Between March and May 1992, 61 persons had arrived in Kuwait in the context of that operation. Iraq had freed 20 political detainees and prisoners overall,

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(Ms. Al Khalid, Kuwait)

including 18 Kuwaitis, 1 Iranian and 1 Somali. On the other hand, Iraq refused to provide ICRC with information on the detention centres existing in its territory, which was in utter violation of the agreements concluded at Geneva in 1991 between Iraq and the allied countries.

Draft resolutions A/C.3/47/L.58, L.59, L.60, L.61, L.62, L.63 and L.64

Draft resolution A/C.3/47/L.58

60. Mr. SHARP (Australia) introduced, on behalf of the sponsors, to which Italy and New Zealand had been added, draft resolution A/C.3/47/L.58 on the development of public information activities in the field of human rights.

61. It was self-evident that knowledge of human rights was essential for their protection and promotion. The importance of teaching and education in that field was spelled out in the preamble to the Universal Declaration of Human Rights. Draft resolution A/C.3/47/L.58 was closely modelled on the text of resolution 45/99, adopted by the General Assembly at its forty-fifth session, and resolution 1992/38, adopted by the Commission on Human Rights at its forty-eighth session. The draft resolution took note of the report of the Secretary-General on the development of public information activities in the field of human rights and requested the Secretary-General to submit a comprehensive report to the General Assembly at its forty-ninth session.

62. The draft resolution defined the roles of the Centre for Human Rights and the Department of Public Information in the dissemination of information in the field of human rights, stressed the need for close cooperation between those bodies and between the United Nations and other organizations, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) and ICRC, and requested the Secretary-General to take advantage, as much as possible, of the collaboration of non-governmental organizations for, *inter alia*, the dissemination of human rights materials.

63. In paragraph 14, the draft resolution requested the Commission on Human Rights, at its forty-ninth session, to consider the recommendation by the fourth meeting of persons chairing the human rights treaty bodies that an expert group, from outside the Secretariat, be appointed to review comprehensively the existing information programme in the field of human rights and to develop a new information strategy that could integrate the various needs in that area.

64. It was to be hoped that, as at previous sessions of the General Assembly, the resolution would receive unanimous support from the members of the Committee.

Draft resolution A/C.3/47/L.59

65. Mr. ANDREASSEN (Norway), introducing draft decision A/C.3/47/L.59, entitled "United Nations Voluntary Fund for Indigenous Populations", said that New Zealand had joined the sponsors.

66. In the draft decision, the General Assembly, having taken note of the report of the Secretary-General (A/47/626) on the status of the United Nations Voluntary Fund for Indigenous Populations, called upon Governments, non-governmental organizations and representatives of indigenous groups to consider contributions to the Fund and to disseminate widely information about the activities of the Fund. The General Assembly also requested the Secretary-General to report at its forty-ninth session on the status of the Fund. The sponsors of the draft decision hoped that it would be adopted by consensus.

67. Lastly, he called upon Governments, non-governmental organizations and representatives of indigenous groups to consider contributions to the voluntary fund for the International Year for the World's Indigenous People, to be launched on 10 December 1992.

Draft resolution A/C.3/47/L.60

68. Mr. BIGGAR (Ireland), introducing draft resolution A/C.3/47/L.60, entitled "Elimination of all forms of religious intolerance", said that the Bahamas, Costa Rica and Cyprus had joined the 47 sponsors.

69. In the draft resolution the General Assembly noted with alarm the occurrence of acts of violence and intolerance on the grounds of religion or belief, and reaffirmed that freedom of thought, conscience, religion and belief was a human right guaranteed to all without discrimination. The General Assembly urged States to take all appropriate measures to combat intolerance and to encourage understanding in matters relating to freedom of religion or belief. Lastly, the Assembly encouraged Governments to give consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate more effectively.

70. The text had been drafted in a constructive spirit, and the sponsors hoped that it would be adopted without a vote.

Draft resolution A/C.3/47/L.61

71. Mr. FERNANDEZ (Cuba) introduced draft resolution A/C.3/47/L.61, entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes". He noted that the text was largely based on General Assembly resolution 46/130, adopted at the previous session. The question dealt with in the draft resolution was extremely important. In the preamble the General Assembly recalled that there was no single political system or single model for electoral processes, and reaffirmed, in paragraph 4, that there was no universal need for the United

(Mr. Fernandez, Cuba)

Nations to provide electoral assistance to Member States, except in special circumstances such as cases of decolonization or at the request of sovereign States. Lastly, the draft resolution called upon the Commission on Human Rights to continue to review the fundamental factors that negatively affected the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes.

72. He trusted that the General Assembly would adopt the draft resolution without a vote, as it had earlier resolutions on the question.

Draft resolution A/C.3/47/L.62

73. Mr. FERNANDEZ (Cuba) introduced draft resolution A/C.3/47/L.62, entitled "Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity". He noted that the title of the draft resolution had been omitted in some language versions.

74. The text before the Committee reflected a willingness to achieve further progress in international cooperation in promoting respect for human rights and fundamental freedoms. It recalled, in the fourteenth preambular paragraph, that the legitimate concerns of the world community in that domain should be guided by the principles of non-selectivity, impartiality and objectivity. Lastly, in operative paragraph 9, the draft resolution invited Member States to consider adopting appropriate measures to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms. He hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/47/L.63

75. Mr. LAPOUGE (France) introduced draft resolution A/C.3/47/L.63, entitled "Question of enforced or involuntary disappearance", on behalf of the sponsors, who had been joined by Nicaragua, Panama and Ukraine.

76. The draft resolution, which was an updating of General Assembly resolution 46/125, adopted at the Assembly's 1992 session, included a reference to the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance, and drew particular attention to cases of disappeared children and children of disappeared persons.

77. The reports of the Working Group on the question made clear the persistence of that particularly odious form of repression and the efforts made by the countries visited to put an end to enforced disappearances on their territory. The draft resolution encouraged the Governments concerned seriously to consider inviting the Working Group to visit their countries. The countries which had done so deserved the thanks of the international community.

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(Mr. Lapouge, France)

78. He pointed out that the draft resolution provided for biennial consideration of the question of enforced disappearances. It would accordingly be appropriate to give even more serious attention to the Working Group's examination of the factors encouraging the adoption of those universally condemned practices. For the same reason, the Commission on Human Rights should give full attention to implementing the Working Group's recommendations.

79. He expressed the hope that the General Assembly would adopt the draft resolution by consensus.

Draft resolution A/C.3/47/L.64

80. Mr. LAPOUGE (France) introduced, on behalf of its sponsors, who had been joined by Cuba, Mongolia, New Zealand and Nicaragua, draft resolution A/C.3/47/L.64, concerning the Declaration on the Protection of All Persons from Enforced Disappearance.

81. Whatever the legal or other difficulties that text presented for them, all Member States recognized its importance. The Declaration supplemented existing international instruments and drew attention to the seriousness of enforced disappearances, which were a form of repression that combined arbitrary detention, torture, summary execution and intimidation and entailed years of pain and suffering for the families concerned. He paid a special tribute to the Subcommission on the Prevention of Discrimination and the Protection of Minorities and to the five experts of the Working Group on enforced or involuntary disappearance of the Commission on Human Rights for their work, which had culminated in the Declaration now before the Third Committee. That document reflected a general desire to prevent disappearances and to ensure that their perpetrators did not go unpunished. The discussions of the text had been difficult because of the complex situation in certain countries which were carrying out a difficult process of national reconciliation after having experienced, at one time or another in their history, the practice of disappearances. However, a consensus had been reached on the right of families to know and the right of victims to redress.

82. His delegation hoped that the General Assembly would be able to adopt the draft resolution by consensus.

AGENDA ITEM 93: SOCIAL DEVELOPMENT (continued)

(a) QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/47/L.51)

Draft resolution A/C.3/47/L.51

83. Mr. MAQUIEIRA (Chile) introduced draft resolution A/C.3/47/L.51, entitled "The convening of a world summit for social development". He noted that

(Mr. Maquieira, Chile)

Cameroon should have been included in the list of sponsors of the draft resolution, and that those sponsors had been joined by Angola, Benin, Cyprus, the Democratic People's Republic of Korea, Ethiopia, Fiji, India, Malta, Sudan, Vanuatu and Zambia.

84. He recalled that in May 1992 the Economic and Social Council had requested, in its decision 1991/230, that in-depth consultations should be held on the holding of a world summit for social development. Those consultations had had positive results, and it was the purpose of draft resolution A/C.3/47/L.51 to decide that such a world summit should be convened at the level of heads of State or Government and to establish a preparatory committee open to all Member States. In adopting the draft resolution, the General Assembly would demonstrate the importance it attached to the question of social development, which should be dealt with at the highest political level.

85. He expressed the hope that the draft resolution would be adopted without a vote.

The meeting rose at 5.35 p.m.